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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA

4 v.

13 CR 345 (LGS)

5 ANTIONE CHAMBERS,

6 Defendant.

7 -----x

8 New York, N.Y.
9 October 2, 2014
12:45 p.m.

10 Before:

11 HON. LORNA G. SCHOFIELD,

12 District Judge

13
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
Southern District of New York

17 SANTOSH ARAVIND

NEGAR TEKEEI

18 Assistant United States Attorneys

19 JOSHUA L. DRATEL

WHITNEY SCHLIMBACH

20 Attorneys for Defendant

21 ALSO PRESENT: JOHN REYNOLDS, FBI

JENNIFER HANSMA, Paralegal AUSA

EA2MCHA1

1 (Trial resumed; jury not present)

2 THE COURT: Good afternoon, counsel. Thank you for
3 accommodating my schedule.

4 There is something someone wanted to raise?

5 MR. ARAVIND: Your Honor, we have two things that we
6 want to raise with the Court. One we ask that it be done
7 outside the presence of the defendant, so we could do that at
8 side bar and one can be done in the presence of the defendant.

9 THE COURT: Mr. Aravind, you said one you wanted to do
10 at side bar and the other one --

11 MR. ARAVIND: Can be done in open court.

12 THE COURT: Let's do that one first.

13 MS. TEKEEI: Your Honor, we received Mr. Dratel's
14 summary of Dr. Strange's testimony yesterday, this morning,
15 just after midnight, and we just wanted to discuss a few issues
16 with your Honor.

17 Our position remains the same, that Dr. Strange's
18 testimony should be precluded. We have briefed this
19 extensively, as your Honor is aware, so we don't want to be
20 redundant, but we do want to say this. From the day that we
21 first received Mr. Dratel's so-called notice letter, which
22 contained a bullet point list of potential topics in the CV, we
23 have asked for a summary of the testimony, the scientific bases
24 for any conclusions and studies and articles, any research,
25 anything at all so that in the middle of preparing for this

EA2MCHA1

1 trial we could also prepare, if needed, for that witness in
2 order to not cause any delay.

3 We also asked repeatedly whether Dr. Strange had ever
4 been qualified as an expert on any of these topics before, and
5 we have still not received an answer to that. And despite all
6 of these multiple requests we received nothing.

7 The defense has noticed an expert who could not
8 provide in a timely manner any scientific bases or summary
9 conclusions of the purported topics until just after midnight
10 today. And what we received was a summary of meta analyses of
11 39 different empirical articles, another summary of meta
12 analyses of 11 studies, vague references to studies related
13 potentially to seeing names in articles and not a single
14 reference to any study or article that Dr. Strange herself has
15 authored. And then we received a list of 17 articles, some
16 from obscure journals and one going back to 1885. We have no
17 way of obtaining these articles today. We have a full
18 afternoon in court today. Mr. Dratel tells us at 12:11 that he
19 wants to call this witness to testify tomorrow morning. And we
20 cannot find and read these articles and prepare for that to
21 cross-examine her about her qualifications, given this notice.
22 We don't know if we can challenge her qualifications yet
23 because we just haven't even had the time to review any of the
24 potential bases or purported bases.

25 The Second Circuit has stated that our district courts

EA2MCHA1

1 have to be concerned about the special aura that surrounds
2 expert testimony and we believe that this evidence should be
3 precluded.

4 Now, we understand that what's good for the goose is
5 good for the gander, but that doesn't always apply in criminal
6 cases. If we had ever tried to provide this type of Rule 16
7 disclosure at midnight a day before an expert testified, we
8 have little doubt your Honor would have excluded that
9 testimony.

10 Our position remains the same, that Dr. Strange's
11 testimony consists of common-sense principles that can be
12 explored through cross-examination, which Mr. Dratel has done
13 extensively and reinforced with jury instructions. This
14 11th-hour disclosure in the manner that it was done is unfair
15 and should not be allowed.

16 THE COURT: Mr. Dratel.

17 MR. DRATEL: We received it last night. I read it and
18 then I sent it along. The Court gave me until the end of the
19 government's case and we got to them early. Speaking of goose
20 and gander, I'm moving to preclude their cell site witness
21 because there is no report, nothing but a CV. I have got
22 nothing except for a Power Point presentation.

23 They are not entitled to everything. They have to do
24 their own research. I don't have to give them what they are
25 asking for. They are entitled to get what they have gotten.

EA2MCHA1

1 They got an expert report of the type that is commonplace in
2 these situations. They got much more that the Court directed,
3 which we provided yesterday in a timely fashion. I'm not doing
4 their research. I'm not preparing their cross for them.
5 That's up to them to do. That is the way with every expert.
6 I've cross-examined experts who have written thousands of
7 documents, and I get two from the government and I'm not in a
8 position to complain because it's my business to get them.

9 MS. TEKEEI: Your Honor, he never asked us for any
10 additional information after we provided the slides, which are
11 the basis for our cell site expert's testimony. We would have
12 been happy to provide more. We did not know he required more
13 or asked for more.

14 By contrast, we have asked and tried to seek in
15 advance some of these studies to see if we could get a sense of
16 these conclusions, one of which we can't seem to find anywhere
17 any reference to or any kind of study related to and that being
18 the name of the person in the article. On our own research we
19 have spent our own time researching these things. It is not as
20 if we sat and did nothing since we got the notice.

21 MR. DRATEL: Your Honor, when they asked for this from
22 Dr. Strange I said I want it from the cell site person. That
23 was about four days ago.

24 MS. TEKEEI: That's not correct, your Honor.

25 THE COURT: That's not what?

EA2MCHA1

1 MS. TEKEEI: We provided the slides for the cell site
2 person. We also said that the cell site person had been
3 qualified as an expert multiple times previously. Since we
4 told Mr. Dratel that, he has not requested any further
5 information.

6 THE COURT: Mr. Dratel, do you know if Dr. Strange has
7 been previously qualified in the expert for the areas in which
8 she is designated?

9 MR. DRATEL: Yes, your Honor.

10 THE COURT: How far are we from the cell site expert?

11 MR. ARAVIND: Your Honor, Special Agent Perry is the
12 next witness after Special Agent Reynolds.

13 THE COURT: I am going to deny Mr. Dratel's motion to
14 preclude the cell site expert as untimely. I will address the
15 expert witness at the same time that I address the motion to
16 strike because I think the two are very closely related, and I
17 will do that later.

18 Let's go to the side bar and quickly try to deal with
19 that issue.

20 (At the side bar)

21 MR. ARAVIND: Your Honor, as the Court is aware, the
22 initial round of 3500 material was produced to the defense on
23 September 19 of this year. That was pursuant to a protective
24 order that had been entered by the parties. We had had some
25 briefing about a motion for a protective order. The parties

EA2MCHA1

1 came to an agreement and the protective order said in sum and
2 substance that the defense was not allowed to give the
3 defendant the 3500 material so that he could keep it in the
4 jail.

5 On Tuesday, following the testimony of Emma Torruella,
6 we learned from Ms. Torruella's counsel that during her
7 cross-examination Mr. Dratel showed a piece of 3500 material
8 that contained Ms. Torruella's current address. That should
9 have been redacted. That was a mistake on the government's
10 part. But the document was shown to Ms. Torruella during the
11 cross-examination and she was extremely upset about it.

12 Then at the end of the trial day we called Mr. Dratel
13 and asked him.

14 THE COURT: They who?

15 MR. ARAVIND: We, myself and Ms. Tekeei, called Mr.
16 Dratel on Tuesday evening after the trial day to advise him of
17 that 3500 material. We then sent him redacted versions of that
18 material and asked for confirmation at that point that that
19 material be substituted in and the material that contained
20 Ms. Torruella's address be taken out. I did not receive
21 confirmation that day on Tuesday nor yesterday.

22 This morning I sent an e-mail with respect to other
23 things, asked for confirmation that that material had been in
24 fact substituted and the 3500 material containing
25 Ms. Torruella's address had been removed. I learned from Ms.

EA2MCHA1

1 Schlimbach that at that time this morning that the defendant
2 had been in possession of a disk containing all of the 3500
3 material since Monday.

4 MR. DRATEL: Or Tuesday. I don't know.

5 MR. ARAVIND: I spoke to both Ms. Schlimbach and Mr.
6 Dratel. It's either Monday or Tuesday, which is in
7 contravention of the protective order that was entered by the
8 parties and was the substance of much of the motion practice
9 relating to the protective order.

10 I don't know what to do at this point. We wanted to
11 make a record of it. We are concerned, obviously, about the
12 safety of our witnesses. Since learning of that fact this
13 morning, we have done a number of different things, that is,
14 prevented us from looking at expert reports that were provided,
15 including talking to our victim witness coordinator, speaking
16 to the NYPD precinct, and trying to address this issue, given
17 our concerns for the safety of our victims. We wanted to make
18 a record of it, your Honor. We may be trying to take some
19 measures with respect to Mr. Chambers in terms of e-mail
20 privileges, phone privileges. We don't know. We have not
21 really had the time to think about it because we have been
22 trying to rest our case today. But we did want to make a
23 record of it. I don't know what the Court wants to do about
24 that. But I did want to make a record.

25 THE COURT: Mr. Dratel.

EA2MCHA1

1 MR. DRATEL: 100 percent my fault. It was just a
2 lapse, not in judgment; in cognition. When leaving the office
3 Wednesday, before the holiday, I just reflexively told Ms.
4 Schlimbach to prepare a disk for him. I knew he would want to
5 see the 3500 before trial. It was voluminous. It was too much
6 for Ms. Schlimbach to carry. And it was a failure of cognition
7 on my part. That's all I can say. I really have no other --
8 it's terrible, I agree. Terrible. That's my mistake.
9 Obviously I never want to put a witness in a fear. I don't
10 think they are in jeopardy, for a variety of reasons which I
11 will discuss, to put a witness in fear. Obviously I feel
12 terrible about that.

13 He doesn't have e-mail privileges. He doesn't have
14 phone privileges yet. That's not an issue. He did not get the
15 disks until, at the earliest, Monday night. In fact, he read
16 3500 material in large part in court Monday because he hadn't
17 received it. And immediately after I spoke to Mr. Aravind --
18 some time I realized that it could be an issue. I knew he
19 didn't get the disks on Monday, which is when I spoke to
20 Mr. Aravind when he called me. But then first thing I did
21 Tuesday morning was asked Mr. Chambers if he had -- Wednesday
22 morning. Mr. Aravind called me on Tuesday, called me Tuesday.
23 It was after Ms. Torruella's testimony, which was Tuesday. He
24 called me Tuesday evening. First thing Wednesday morning I
25 asked Mr. Chambers if he, in fact, had received the disks. He

EA2MCHA1

1 said he had. And I said: You have to bring them back to me.
2 I didn't tell him why. I said you have to bring them back to
3 me tomorrow. And then we decided to send Ms. Schlimbach this
4 morning, but he had already been moved to the courthouse, even
5 though we had that half day. We hoped he would be there. She
6 is going to go right after court to get that. That's where we
7 are at.

8 THE COURT: Do you know if he has looked at the disks?

9 MR. DRATEL: I think he has looked at some of the
10 disks. What he said was, he didn't look at anything beyond
11 what he saw here in the court. I did ask him that this
12 morning.

13 THE COURT: You were about to say you didn't think
14 anyone was in jeopardy for a variety of reasons which you would
15 explain.

16 MR. DRATEL: He doesn't know -- I didn't notice an
17 address looking at the 3500 material. I don't think it's on a
18 typed document. I think it's something handwritten. I am not
19 sure that he knows at all what it is. I did not tell him.
20 Again, they can look at all his e-mails. I don't know if there
21 are e-mails. Go ahead. He hasn't had a phone call. That's
22 why I say -- besides that, this is a witness who recanted on
23 redirect, not on cross, on redirect.

24 THE COURT: I understand.

25 MR. DRATEL: The person she lives with never

EA2MCHA1

1 identified him.

2 MS. TEKEEI: Your Honor, in terms of the victims and
3 the witnesses' jeopardy, at least one of the perpetrators is
4 still unidentified and at least one of Mr. Chambers'
5 codefendants has sent communications to that perpetrator
6 through friends from phone calls at the MCC or MDC. So we have
7 very serious concerns.

8 In addition, the victim's addresses, at least one of
9 their current addresses, is one of the locations involving the
10 robbery and kidnapping. For various reasons, they chose not to
11 move. And so we have very serious concerns and are taking
12 steps to make sure that happens, but between now and when any
13 of that happens, our concerns remain very serious.

14 MR. DRATEL: I would consent to withdrawing e-mail
15 privileges and visiting privileges until we get this resolved.
16 I'm okay with all of that. I don't want this to be an issue,
17 particularly since I'm responsible, too.

18 THE COURT: I understand the situation. I share
19 everyone's concern. I have not heard an application from the
20 government. Everyone has not had a chance to fully think about
21 this. What I suggest you try to do is talk to each other,
22 government and defense, and see if together you can agree on
23 anything that you think would help remedy this situation. But
24 we need to get the jury because it's already --

25 MR. DRATEL: Here is my off the top of my head

EA2MCHA1

1 proposal. One is suspend the privileges I'm talking about.
2 Second is, I don't know exactly where the disks are. I don't
3 believe they are in the cell. I believe they are on the unit
4 or something. I will have my office call Adam Johnson, who is
5 MCC counsel, tell him to get those disks.

6 MR. ARAVIND: That's the most important thing.

7 MR. DRATEL: I'm fine with that.

8 THE COURT: Do you need a minute to do that?

9 MR. DRATEL: Yeah. I'll just call my office. I can
10 text.

11 THE COURT: Do you have your phone?

12 MR. DRATEL: Yes. Text your office. We will get the
13 jury.

14 (Continued on next page)

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EA2MCHA1

1 (In open court; jury present)

2 THE COURT: So thank you for being on time. I'm sorry
3 we are starting just a little bit late. There were some things
4 we had to discuss. But we are done discussing them. I hope
5 you used your mornings productively. We can start now.

6 The government, would you like to call a witness?

7 MR. ARAVIND: Special Agent Reynolds was on the stand.

8 Before we do that, your Honor, we would like to have
9 the Court read one stipulation.

10 THE COURT: Ladies and gentlemen, I explained to you
11 yesterday what a stipulation is. It's an agreement by the
12 parties and it is evidence. It is marked as Government Exhibit
13 2001. So it will be in your exhibit books when you go in the
14 jury room. It is hereby stipulated and agreed by and among the
15 United States of America, by Preet Bharara, United States
16 Attorney for the Southern District of New York, Negar Tekeei,
17 and Santosh Aravind, Assistant United States Attorneys of
18 counsel, and Antione Chambers, the defendant, with the consent
19 of his attorney, Joshua Dratel that, and the heading is
20 telephone toll records:

21 1. Government Exhibit 160A comprises the true and
22 correct telephone records for the cellular telephone assigned
23 to the call number 646-503-88904. These records were obtained
24 from Sprint and cover April 6, 2013 through May 29, 2013, a
25 time period during which the cellular telephone assigned the

EA2MCHA1

1 call number, 646-503-8904, was serviced by the Sprint network.

2 2. Government Exhibit 160B comprises the true and
3 correct cell site records for the cellular telephone number
4 assigned the call number 717-743-6130. These records were
5 obtained from Verizon Wireless and cover March 6, 2013 through
6 April 30, 2013, time periods during which the cellular
7 telephone was serviced by Verizon Wireless.

8 Government Exhibit 160C comprises the true and correct
9 telephone records for the cellular telephone assigned the call
10 number 717-743-6130. These records were obtained from Verizon
11 Wireless. The telephone records cover March 20, 2013 through
12 April 9, 2013, time periods during which the cellular telephone
13 assigned the call number 717-743-6130 was serviced by Verizon
14 Wireless.

15 Government Exhibit 160D comprises the true and correct
16 telephone records and cell site records for the cellular
17 telephone assigned the call number 917-213-4864. These records
18 were obtained from T-Mobile. The telephone records cover April
19 9, 2013 through June 5, 2013 and the cell site records cover
20 May 23, 2013 to June 7, 2013, time periods during which the
21 cellular telephone assigned the call number 917-213-4864 was
22 serviced by the T-Mobile network.

23 Government Exhibit 160F comprises the true and correct
24 telephone records for the telephone number assigned the call
25 number 917-370-9462. These records were obtained from AT&T and

EA2MCHA1

1 cover March 23, 2013 through March 25, 2013, a time period
2 during which the cellular telephone assigned the call number
3 917-370-9462 was on the AT&T network.

4 Government Exhibit 160G comprises the true and correct
5 telephone records for the cellular telephone assigned the call
6 number 917-659-9696. These records were obtained from Sprint
7 and cover March 17, 2013 through March 27, 2013, the time
8 period during which the cellular telephone assigned number
9 917-659-9696 was on the Sprint network.

10 The next heading is entitled toll record custodians.
11 If called to testify, a custodian of records at Sprint would
12 testify as follows: He or she is familiar with the
13 recordkeeping practices of Sprint. Sprint records times of
14 cellular telephone communications and toll records that reflect
15 the central time zone, and, this is now paragraph 8, if called
16 to testify, a custodian of records at AT&T would testify as
17 follows: He or she is familiar with the recordkeeping
18 practices at AT&T, and AT&T records the times of cellular
19 telephone communications in toll records that reflect the time
20 zone in the geographic area where the call is placed.

21 9. If called to testify, a custodian of records at
22 T-Mobile would testify as follows: He or she is familiar with
23 the recordkeeping practices of T-Mobile. T-Mobile records the
24 times of cellular telephone communications and toll records
25 that reflect the time zone in the geographic area where the

EA2MCHA1

1 call is placed.

2 10. If called to testify, a custodian of records at
3 Verizon would testify as follows: He or she is familiar with
4 the recordkeeping practices of Verizon and Verizon records the
5 times of cellular telephone communications and toll records
6 that reflect the time zone in the geographic area where the
7 call was placed.

8 Paragraph 11, New York City is in the eastern time
9 zone.

10 It is further stipulated and agreed that this
11 stipulation as Government Exhibit 2001 and Government Exhibits
12 160A, 160B, 160C, 160D, and 160F, 160G may be received in
13 evidence as government exhibits at the trial in the
14 above-referenced matter.

15 It's dated October 2 and signed by counsel. Thank
16 you.

17 MR. ARAVIND: May I proceed, your Honor.

18 JOHN REYNOLDS, resumed.

19 DIRECT EXAMINATION (cont'd)

20 BY MR. ARAVIND:

21 Q. Special Agent Reynolds, when we left off yesterday we were
22 talking about the phone evidence in this case. I am going to
23 ask you some more questions about your analysis of the phones
24 and your review of the surveillance video.

25 First, did you prepare any additional summary charts

EA2MCHA1

Reynolds - direct

1 as part of this case?

2 A. Yes, I did.

3 Q. I am going to show you what has been premarked for
4 identification as Government Exhibit 5002.

5 Do you recognize this document?

6 A. Yes, I do.

7 Q. What is this?

8 A. It's a summary chart that I prepared using Mr. Brown's call
9 records from his iPhone.

10 Q. Is this chart based on the underlying phone records that
11 you received on that disk we looked at yesterday, Government
12 Exhibit 160?

13 A. Yes.

14 Q. Have you reviewed this chart for accuracy and compared it
15 to the records, the underlying phone records contained in
16 Government Exhibit 160?

17 A. Yes.

18 MR. ARAVIND: Your Honor, government offers 5002 as a
19 summary chart.

20 MR. DRATEL: No objection, your Honor.

21 THE COURT: It's admitted.

22 (Government's Exhibit 5002 received in evidence)

23 THE COURT: You may publish it if you want.

24 MR. ARAVIND: Thank you, your Honor.

25 Q. Let's look at the first page, Special Agent Reynolds.

EA2MCHA1

Reynolds - direct

1 While we are waiting for that to come up, can you tell us what
2 that first line reads?

3 A. Tyrone Brown call records, March 24 through the 26th, 2013.

4 Q. Which Tyrone Brown phone are we talking about?

5 A. That would be the iPhone with the telephone number ending
6 in 9696.

7 Q. And just to be clear, this is the day before the robbery,
8 the day of the robbery, and the day after the robbery?

9 A. Yes, sir.

10 Q. Now, based on your review of the surveillance video,
11 approximately when did the robbery begin at the 1338 Croes
12 Avenue location?

13 A. It began in the early 1:00 hour, 1:00 in the morning on the
14 25th. I believe the video indicates that Mr. Barea arrived at
15 approximately 1:17.

16 Q. Tell us what you did with respect to your analysis.

17 A. Like I said, using that as a reference point, that 1:00
18 hour, I wanted to see first when was the last time Brown on
19 that phone had contact with Barea prior to that robbery.

20 Q. Let's look at the calls immediately before the robbery.

21 MR. ARAVIND: Ms. Hansma, can we look at the third
22 page, calls and communications before that robbery. I'm sorry.
23 And let's look at the entry at 3/24/13 at 23:56. If you can
24 zoom and highlight that for us. Thank you.

25 Q. Tell us what we are looking at here, Special Agent

EA2MCHA1

Reynolds - direct

1 Reynolds.

2 A. Specifically in that --

3 Q. Sorry. There should be a laser pointer in front of you
4 that looks like a pen. You've seen it before. If you could
5 just orient the jury of what you are looking at.

6 THE WITNESS: May I stand up, please?

7 THE COURT: Yes, of course.

8 A. Not the first column, or row, rather. The second row, that
9 indicates who is placing the phone call. So the 917-370-9462,
10 again, that's the Barea Groovy phone and that's placing an
11 outbound text message to the 9696 Brown iPhone.

12 Q. Just to be clear, the 9462, is that the Groovy one or the
13 John 129 phone that you talked about yesterday in your
14 testimony?

15 A. The John 129 phone.

16 Q. That reads 11:56 and 42 seconds. What's the significance
17 of the zero in the column to the right?

18 A. The zero indicates to me that this is a text message. So
19 with respect to that time, it's actually off because the Sprint
20 records this, their text messages, in central time. You
21 actually have to add an hour to it to get the local time. This
22 text message our time, New York time, didn't occur at 23:56.
23 It occurred at actually 12:56 a.m. on the 25th.

24 Q. That was consistent with what we just heard on the
25 stipulation?

EA2MCHA1

Reynolds - direct

1 A. Yes, sir.

2 Q. And what happens a minute after this text message which,
3 according to the records, is one hour after that time? What
4 happens then? It's 12:56 is a text message. What happens
5 right after that?

6 A. The very next thing is an outbound call placed by Brown,
7 again, the 9696 number to the 6130 Twizzie phone.

8 Q. Let's look at that.

9 MR. ARAVIND: Ms. Hansma, can you go to the next page
10 and let's look and 12:57. It should be 057 and it's the fifth
11 column from the top.

12 Q. Can you now explain that to the jury again, Special Agent
13 Reynolds?

14 A. Sure. That highlighted row, again, the first column is the
15 outbound, so that indicates that that 9696 Brown phone is
16 placing an outbound call to the 6130 Twizzie phone and, again,
17 that's on the 25th at approximately 12:57 a.m., again, right
18 after that text message with the John 129 phone. And the 33
19 seconds indicates that that's the duration in seconds. That's
20 a telephone call.

21 Q. And what happens after that? Let's direct your attention
22 to two down.

23 MR. ARAVIND: Ms. Hansma, let's highlight the next two
24 rows down, if you could.

25 Q. Special Agent Reynolds, we are looking at two entries on

EA2MCHA1

Reynolds - direct

1 this summary chart, both dated March 25, 2013 at 1:02 a.m.

2 What do those two entries reflect?

3 A. I am going to stand up and point. The next two are, again,
4 outbound calls from 6130, the Twizzie phone, to Brown's phone.
5 Now, this telephone number there, this 646-242-2434, these next
6 two rows of a 6130 number, that's actually one phone call.
7 What it is is Sprint routed it through that number. That
8 646-2434 is actually a Sprint routing number. That's actually
9 only one call. You have to look at the second call or the very
10 last one that's highlighted, the 6130. In short, at
11 approximately 1:02 a.m., there is a call that Brown is
12 receiving from the 613 Twizzie phone.

13 THE COURT: Just tell me again how you know that's one
14 call and not three.

15 THE WITNESS: First of all, ma'am, the very first one
16 highlighted, that was -- Brown placed a call into the Twizzie
17 phone. Following that at 1:02, those next two that are
18 highlighted is one phone call. It's the way Sprints reflects
19 it. It's coming through a switch. It's like patched through.
20 It's actually just like one phone call and Sprint just reflects
21 that's the number that it came through. One call.

22 Q. Special Agent Reynolds, what happens three minutes later?

23 A. Three minutes later, at approximately 1:05 a.m., again, the
24 Brown iPhone, the 9696, places another phone call to the 717 --
25 the 6130 Twizzie phone at 1:05 a.m.

EA2MCHA1

Reynolds - direct

1 Q. And, again, this is in the minutes before the robbery takes
2 place at Croes Avenue?

3 A. Yes. Again, using the 1:17 as a rough time frame, it
4 indicates the call activity before that, Brown iPhone was in
5 contact with the 6130 Twizzie phone.

6 Q. How long is that call?

7 A. About 19 seconds.

8 Q. Now, according to your review of the surveillance video at
9 1338 Croes Avenue, approximately when does that robbery take
10 place at that location?

11 A. Again, Barea shows up, I believe, around 1:17, and then the
12 robbers and Barea leave, I believe, at approximately 1:36 the
13 video references.

14 Q. What do you notice about Brown's iPhone call activity
15 during the time of the robbery?

16 A. Again, looking at that last call that's highlighted, again,
17 that's the outbound call from Brown to the 6130 Twizzie phone.
18 You'll notice that there is a similar to the video frame, there
19 is a gap in activity. So that last call is at 1:05 a.m. The
20 phones -- I should say the phone's next outgoing activity is
21 approximately 1:35.

22 Q. Let's look --

23 A. I'm sorry. If I may correct that. The next outbound
24 activity looks like it's 1:32.

25 Q. That's the 9696 Brown iPhone calling some number at 5941?

EA2MCHA1

Reynolds - direct

1 A. Yes.

2 Q. That would be a text message?

3 A. Yes.

4 Q. Let's go to some phone records using the Brown iPhone after
5 the robbery.

6 Ms. Hansma, if we could turn to page 4 at
7 approximately 3:21 a.m. You see, Special Agent Reynolds, a
8 phone number 917-935-8485 calling the Brown phone. What is the
9 significance of that phone number?

10 A. That's one of the 8485 that's highlighted there placing the
11 outbound call. That is one of the numbers that was listed in
12 Tyrone Brown's iPhone for Groovy. That indicates to me that
13 Groovy contact is trying to reach Brown's iPhone.

14 Q. Is this after the robbery takes place?

15 A. I believe so.

16 Q. Again, you have two calls that are at the exact same time,
17 seven seconds part, 3:21 at 45 and 3:21 at 52. What does this
18 646-242-2863 reference?

19 A. That was I was referencing early earlier. That's one call.
20 It's being patched through. That's another switch.

21 THE COURT: Question. So the total time in that phone
22 call is 120 plus 116 seconds?

23 THE WITNESS: No, ma'am. It's overlapping. I
24 wouldn't know which one it tell you exactly to go with. It's a
25 difference of four seconds.

EA2MCHA1

Reynolds - direct

1 THE COURT: It's around 120 sounds. You don't add
2 them. It's one number for the other.

3 THE WITNESS: Correct, ma'am. I would go with the
4 actual 845 to the actual 9696.

5 Q. How long would this call be, approximately?

6 A. Excuse me?

7 Q. How long would that call be approximately?

8 A. It's almost two minutes.

9 Q. And let's look at that 8485 number.

10 MR. ARAVIND: Ms. Hansma, can we publish Government's
11 Exhibit 601B, please: And we highlight that.

12 Q. Can you remind us, Special Agent Reynolds, where we saw
13 this Groovy or Grovy number, 8485?

14 A. That was from Tyrone Brown's iPhone.

15 Q. Now, Special Agent Reynolds, were there other calls,
16 according to your review, between the Groovy 8485 number and
17 the Brown iPhone number that ends with 9696 that took place
18 later during the course of that morning on March 25, 2013?

19 A. Yes. There was numerous phone calls between those two
20 numbers.

21 Q. I am now going to direct your attention to your analysis of
22 phone calls that took place during the robbery. I am going to
23 show you what has been admitted into evidence as Government
24 Exhibit 160F. It's admitted into evidence pursuant to that
25 stipulation. Let's look at Government Exhibit 160F.

EA2MCHA1

Reynolds - direct

1 MR. ARAVIND: Ms. Hansma, can we zoom in on the top
2 left-hand portion where it says voice usage for.

3 Q. Can you tell us, what is that phone number, 917-370-9462?

4 A. That's the John 129 contact.

5 Q. And who was associated with the John 129 contact?

6 A. Mr. Barea.

7 Q. Who had that phone number associated with Mr. Barea?

8 A. That was the number that I obtained from Zuleika Morales'
9 phone.

10 Q. This is not a summary chart, correct?

11 A. No. This is the actual telephone records that I received
12 from AT&T.

13 MR. ARAVIND: Can we zoom out, Ms. Hansma, just to let
14 the jury see that. Zoom in on the top right-hand logo.

15 Q. Special Agent Reynolds, I want to direct your attention to
16 entry number 28.

17 MR. ARAVIND: Ms. Hansma, if we could zoom out and
18 zoom in and highlight entry 28. Thank you. Zoom out a little
19 bit and then extend your zoom to the right-hand side. That's
20 fine. Just highlight a little bit further on 28. Thank you,
21 Ms. Hansma. Perfect.

22 Q. Special Agent Reynolds, what does this call represent?

23 THE WITNESS: If I could stand up again.

24 THE COURT: Sure.

25 A. The first column, obviously, that's the date. The next

EA2MCHA1

Reynolds - direct

1 column is the time. That would be 1:43 a.m. The second column
2 is the duration in seconds. The first -- this is a telephone
3 number. The first one is the originating number, so the number
4 making the outbound call. The second number is the number
5 receiving the telephone call.

6 Q. Are you familiar with the number 347-357-2215?

7 A. Yes.

8 Q. How are you familiar with that number?

9 A. I have called it.

10 Q. And who is associated with that number?

11 A. Mr. Barea.

12 MR. ARAVIND: Ms. Hansma, let's highlight entries 28
13 through 31.

14 Q. Can you tell us, Special Agent Reynolds, according to your
15 analysis of the phone records, what do these calls represent?

16 A. These are all outbound calls from that 9462 John 129
17 telephone to Mr. Barea's 2215 number. So, in essence, it's one
18 of Mr. Barea's phones calling the other Mr. Barea's phone.

19 Q. After the entry at item number 31, what do you see?

20 A. The date, so that's March 25 of 2013, the date of the
21 robbery, and the times range from 1:43 a.m. to 1:44 a.m.

22 Q. What happens --

23 THE COURT: I am going to interrupt for one second. I
24 don't think I actually admitted 160A, B, C, D, F and G. They
25 are admitted.

EA2MCHA1

Reynolds - direct

1 (Government's Exhibits 160A, B, C, D, F and G received
2 in evidence)

3 Q. After the line 31, what is the next time that you see?

4 Item 32, what is the time that you have associated?

5 A. 2:17 a.m. in the morning.

6 MR. ARAVIND: Ms. Hansma, can we now unhighlight what
7 you've already highlighted and let's look at entries 32 to 34.

8 Q. What do these three phone calls represent?

9 A. Those are outbound phone calls placed by the 8485 Groovy
10 number to the 9462 John 129 contact with the Barea phone.

11 Q. Special Agent, have you seen this 8485 number before?

12 A. Yes, I have.

13 MR. ARAVIND: Ms. Hansma, can we publish Government
14 Exhibit 601B.

15 Q. And what is this, Special Agent Reynolds?

16 A. That is a contact, again, from Mr. Brown's iPhone for Grovy
17 or Groovy. That's the 8485 number associated with it.

18 Q. Now, Special Agent Reynolds, I want to direct you to phone
19 calls that occurred after the robbery on March 26, 2013.

20 MR. ARAVIND: Ms. Hansma, can we go back to the
21 summary chart that Special Agent Reynolds created as Government
22 Exhibit 5002. Let's turn to page 6, please. Can we highlight
23 calls involving the 845-642-1507 number.

24 Q. Let's look at the calls at 10:21 involving the 845-642-1507
25 number.

EA2MCHA1

Reynolds - direct

1 THE COURT: What day is this?

2 MR. ARAVIND: This is March 26, 2013 at 10:21.

3 THE COURT: 10:21 in the morning?

4 MR. ARAVIND: Correct.

5 Ms. Hansma, can you highlight the other entries with
6 the 845 number.

7 Q. Whose number is that, 845-642-1507?

8 A. It was a phone number utilized by Detective Deloren.

9 Q. And what do these phone calls represent?

10 A. These are incoming calls to Tyrone Brown's iPhone from
11 Detective Deloren.

12 Q. What happens approximately 30 minutes after this series of
13 calls?

14 Just to be clear, Special Agent Reynolds, what is the
15 significance of the time that we see, 7, 14, 4, 5, 4, 2, and 3?

16 A. Duration of seconds, telephone calls.

17 Q. Does that suggest a long conversation or what?

18 MR. DRATEL: Objection.

19 THE COURT: Sustained.

20 Q. What, if anything, do those time numbers anywhere from two
21 seconds to 14 seconds signify to you?

22 MR. DRATEL: Objection.

23 THE COURT: I'll allow it.

24 A. It's brief, so voice mail.

25 MR. DRATEL: Objection.

EA2MCHA1

Reynolds - direct

1 THE COURT: How can you tell? Is this one call or two
2 calls?

3 THE WITNESS: No, ma'am. These are all separate phone
4 calls, ma'am.

5 THE COURT: So between 10:21 and 10:23 there are six
6 calls?

7 THE WITNESS: Correct, ma'am.

8 THE COURT: From Deloren to Brown?

9 THE WITNESS: Correct, ma'am. If I may -- okay.

10 Q. Would these be completed calls or calls where you attempt
11 to call someone?

12 A. I believe it's -- it's not just based on the duration --

13 MR. DRATEL: Objection. He's not in the position to I
14 believe --

15 Q. Special Agent Reynolds, do you know?

16 A. There is no definitive answer.

17 Q. Special Agent Reynolds, what happens approximately 30
18 minutes after this series of calls?

19 MR. ARAVIND: Ms. Hansma, why don't we zoom out and
20 let's go to a call that's at 10:53:48 and then 10:53:56.

21 THE COURT: Still on March 26.

22 MR. ARAVIND: Still on March 26, the day after the
23 robbery.

24 Those two calls there with that 717 number, can we
25 highlight both of those, please.

EA2MCHA1

Reynolds - direct

1 Thank you, Ms. Hansma.

2 Q. What does this reflect, Special Agent Reynolds?

3 A. Brown's iPhone placing outbound calls to the 6130 Twizzie
4 number.

5 Q. Based on your review of this chart, did you obtain cell
6 site records for the Twizzie phone ending in 6130?

7 A. Yes, I did.

8 Q. And can you tell the jury briefly what are cell site
9 records?

10 A. In addition to cell phone companies logging the incoming
11 and outgoing calls, the time, the duration, they will also log
12 the information of the cell towers that are being utilized for
13 those phone calls. With those towers, they will have the
14 location data for where those towers are.

15 Q. Are you going to testify to cell site records?

16 A. No, I am not.

17 Q. What, if anything, did you do with the cell site records
18 that you obtained?

19 A. After obtaining the records for the Twizzie 6130 phone, I
20 provided those records to our CAST unit, which stands for
21 cellular analysis survey team. They specialize in tracking and
22 plotting cell site tower information.

23 Q. I am going to show you now what was admitted into evidence
24 as Government Exhibit 5000.

25 We looked at this chart yesterday, Special Agent

EA2MCHA1

Reynolds - direct

1 Reynolds. Can you remind the jury, what do these records
2 reflect?

3 A. These records reflect a ten-day period beginning with March
4 17, 2013 to March 27, 2013, and what I did is, I filtered
5 Mr. Brown's phone records just to reflect the activity between
6 that Brown iPhone and the Barea telephone numbers of the Groovy
7 and the John 129 and the Twizzie phone numbers. So this just
8 shows contact between the Brown iPhone, Twizzie, and the Barea.

9 MR. DRATEL: Objection, your Honor, as to phone
10 numbers.

11 THE COURT: Sustained.

12 Q. Did you mean the Twizzie 6130 phone?

13 MR. DRATEL: Objection. It's not a Twizzie. It's a
14 6130 number. That's what these numbers --

15 THE COURT: Sustained. You can rephrase.

16 Q. Special Agent Reynolds, let's read out the phone numbers
17 for the jury. What phone numbers does this chart reflect?

18 A. First Brown iPhone ending in 9696, and then the telephone
19 number, it's in contact with telephone number 717-743-6130, and
20 also 917-370-9462. One more number. 917-935-8485.

21 Q. Now, let's just start with March 17 and 18. Based on your
22 review of these phone calls as indicated in this chart, what
23 did you find?

24 A. So looking at the 17th going into the 18th, which was a
25 week prior to the 24th and the 25th, which was the robbery time

EA2MCHA1

Reynolds - direct

1 frame, that week prior, on the 17th and the 18th, the Brown
2 iPhone is in contact with the 6130 number, associated with the
3 Twizzie contact and the 9462 number; again, the John 129
4 contact.

5 Q. What about on the 23rd?

6 A. Again, on the 23rd, the same, that day. The Brown phone,
7 again, is in contact with the 9462 John 129 contact and the
8 Twizzie 6130 contact.

9 MR. DRATEL: Objection, your Honor. 6130 number?

10 THE COURT: 6130 number which is associated with the
11 Twizzie contact.

12 MR. DRATEL: If he wants to do the whole thing, that's
13 fine.

14 THE COURT: If you want to say which is associated
15 with, that's fine.

16 THE WITNESS: Yes, ma'am.

17 (Continued on next page)

Ea2gcha2

Reynolds - direct

1 BY MR. ARAVIND:

2 Q. What about the 23rd? Ms. Hansma, can we look at those.
3 Thank you.

4 What did you conclude about the pattern of calls
5 between the 6130 number and the other two numbers on this
6 chart?

7 A. Again, the same, that Brown iPhone number is in contact
8 with both the 6130 number and the 9462 number.

9 Q. And then finally, Ms. Hansma, let's look at March 26, 2013,
10 the day after the robbery.

11 And what do you -- what can you conclude about those
12 calls, that pattern of calls between those three phone numbers?

13 A. Again, the same day, that March 26, that the Brown iPhone
14 9696 number calls the 613 number associated with the Twizzie
15 contact and the 8485 telephone number associated with the
16 Groovy contact.

17 Q. Special Agent Reynolds, you testified a lot about the 6130
18 number that was associated with the Twizzie contact. Did you
19 take any steps to identify the user of that 6130 number who was
20 listed as the Twizzie contact?

21 A. Yes. After seeing that telephone number in contact with
22 the Brown iPhone 9696 that he, you know, just prior and during
23 the robbery time frame, I attempted to identify the user of
24 that phone. One of the things that I did was, I provided that
25 6130 number that was listed under the Twizzie contact with the

Ea2gcha2

Reynolds - direct

1 other telephone number that was listed under that contact.

2 I gave those numbers to the NYPD to see if it had ever
3 contacted the NYPD or had been listed on any various police
4 reports.

5 Q. Let's look at that other number. Ms. Hansma, can we
6 publish Government Exhibit 601-D. Can you highlight the number
7 that we're referring to and the other one, Ms. Hansma. Thank
8 you.

9 What did you do with respect to that 3425 number?

10 A. That number, along with the other 6130, I gave both numbers
11 to the New York City Police Department.

12 Q. Why were you doing this, Special Agent Reynolds?

13 A. Again, in an attempt to ID the Twizzie contact who -- the
14 user of the cell phones.

15 Q. Did you receive any information from the NYPD?

16 A. Yes, I did.

17 Q. Your Honor, we have a stipulation to read.

18 THE COURT: Okay.

19 Q. It's Government Exhibit 2005.

20 THE COURT: It hereby stipulated and agreed by and
21 between the United States of America by Preet Bharara, United
22 States Attorney for the Southern District of New York, Negar
23 Tekeei and Santosh Aravind, Assistant United States Attorneys,
24 and Antione Chambers, the defendant, by and through the consent
25 of his attorney, Joshua Dratel that:

Ea2gcha2

Reynolds - direct

1 (1) If called to testify, a custodian of records from
2 the New York City Police Department would testify as follows:

3 (a) He or she is familiar with the recordkeeping
4 practices of the NYPD, in particular with respect to the 9-1-1
5 emergency call system and the method by which data regarding
6 9-1-1 calls are recorded by the NYPD.

7 (b) NYPD 9-1-1 emergency call system records reflect
8 that on February 2, 2013, a male caller who identified himself
9 as Antwan, spelled A-N-T-W-A-N, called 9-1-1 from a telephone
10 with a call number 717-379-3425 and identified his location as
11 4782 Barnes Avenue. The 9-1-1 call was placed for an ambulance
12 and was not related to any criminal activity.

13 It is further stipulated and agreed that the
14 stipulation, this Government Exhibit 2005, is admissible in
15 evidence as a government exhibit at trial.

16 Therefore I will admit it. It's signed by the
17 lawyers.

18 (Government's Exhibit 2005 received in evidence)

19 BY MR. ARAVIND:

20 Q. Special Agent Reynolds, after you obtained a copy of the
21 9-1-1 records, what did you do next?

22 A. I went to 4782 Barnes Avenue.

23 Q. What day did you go?

24 A. May 23, 2013.

25 Q. Who did you go with?

Ea2gcha2

Reynolds - direct

1 A. Detective Deloren and Detective Angelo Tessitore.

2 Q. Did you know the name Antione Chambers when you went to
3 4782 Barnes Avenue?

4 A. No, I did not.

5 Q. Did you know what Antione Chambers looked like?

6 A. No, I did not.

7 Q. Did you have a picture of Antione Chambers on that day?

8 A. No, I did not.

9 Q. Where is 4782 Barnes Avenue located?

10 A. It's in the very northern part of the Bronx on the
11 Bronx/Mount Vernon border.

12 Q. What kind of location is it?

13 A. It's a house.

14 Q. I'm showing you what has been premarked for identification
15 as Government Exhibit 1903.

16 Do you recognize this document, once it is handed to
17 you, Special Agent Reynolds?

18 A. Yes.

19 Q. What is it?

20 A. It's a partial map of the northern part of the Bronx.

21 Q. Does that map include any locations that we have been
22 talking about?

23 A. Yes, it does. Highlighted is the 4782 Barnes Avenue
24 address.

25 Q. Does that map fairly and accurately reflect the vicinity of

Ea2gcha2

Reynolds - direct

1 4782 Barnes Avenue?

2 A. Yes, it does.

3 MR. ARAVIND: Government offers Government Exhibit
4 1903.

5 THE COURT: Any objection?

6 MR. DRATEL: No objection.

7 THE COURT: Admitted.

8 (Government's Exhibit 1903 received in evidence)

9 MR. ARAVIND: Can I publish.

10 THE COURT: You may.

11 Q. Show us on this map using a laser pointer, show us where
12 4782 Barnes Avenue is.

13 A. Right where the red balloon is.

14 Q. Is 4782 Barnes Avenue -- can we zoom in a little bit
15 Ms. Hansma. Thank you. This in the -- what part of the Bronx
16 is this in?

17 A. Again, it's the northern part of the Bronx.

18 Q. Thank you, Ms. Hansma.

19 I'm now going to show you what has been marked for
20 identification as Government Exhibit 61.

21 Thank you, Mr. Street.

22 A. Thank you.

23 Q. Do you recognize that document?

24 A. Yes, I do.

25 Q. What is it?

Ea2gcha2

Reynolds - direct

1 A. It's a picture I took of 4782 Barnes Avenue.

2 Q. Is that a photograph?

3 A. Yes, it is.

4 Q. Does that photograph fairly and accurately reflect 4782
5 Barnes Avenue?

6 A. Yes, it does.

7 MR. ARAVIND: The government offers Government Exhibit
8 61.

9 MR. DRATEL: No objection.

10 THE COURT: It's admitted.

11 (Government's Exhibit 61 received in evidence)

12 MR. ARAVIND: May we publish.

13 THE COURT: You may.

14 Q. If you can zoom in Ms. Hansma. Thank you. Thanks.

15 Special Agent Reynolds, what happened when you got to
16 4782 Barnes Avenue?

17 A. As we approached 4782 Barnes Avenue, I observed a car
18 parked in front on the street that matched the description of
19 the vehicle used in the robbery.

20 Q. And you say matched the description, what do you mean by
21 that?

22 A. It was a similar color, similar make, but it also had
23 license plate where six out of the seven digits or numbers
24 matched one previously provided by the victims.

25 Q. And what was that, if you remember?

Ea2gcha2

Reynolds - direct

1 A. The numbers, the last four numbers were 7788, and I believe
2 the two letters were A as in Adam and K as in king.

3 Q. Based on your training and experience in investigating
4 crimes of violence, what's your experience with descriptions
5 provided by victims about something like a car?

6 MR. DRATEL: Objection.

7 THE COURT: Lay more of a foundation.

8 Q. Special Agent Reynolds, how long have you been
9 investigating crimes of violence?

10 A. I've been an FBI agent for eight years. And prior to that,
11 I was a police officer for six years.

12 Q. Have you spoken to victims?

13 A. Yes, I have.

14 THE COURT: How many years of that 14 years were you
15 investigating crimes of violence?

16 THE WITNESS: As a police officer -- as a police
17 officer, as an anticrime police officer, I -- we dealt with
18 robberies, firearms, possession. And as an FBI agent, out of
19 the eight years, maybe four or more I've been investigating
20 violent crimes.

21 THE COURT: What's the total number?

22 THE WITNESS: Six years maybe approximately.

23 Q. Have you interviewed victims of crimes of violence?

24 A. Yes.

25 Q. What has been your experience with descriptions about

Ea2gcha2

Reynolds - direct

1 vehicles when you have spoken to victims of crimes of violence?

2 MR. DRATEL: Objection.

3 THE COURT: Sustained. You may ask more foundational
4 questions.

5 Q. Approximately, how many victims of crimes of violence have
6 you spoken with during the course of your career?

7 A. I would say at least 50.

8 Q. And how many of those victims have spoken to you about
9 vehicles or description -- descriptions of vehicles or people?

10 MR. DRATEL: Objection; irrelevant for all three.

11 MR. ARAVIND: May we approach on this issue.

12 THE COURT: No. I'm going to allow him to answer that
13 question.

14 THE WITNESS: I'm sorry. Can you repeat it.

15 MR. DRATEL: Also it gets into --

16 THE COURT: I understand.

17 MR. DRATEL: And also 702.

18 MR. ARAVIND: Can we make an application about this at
19 side bar.

20 THE COURT: I think -- did we get an answer to that?
21 I'm going to allow an answer to that question:

22 How many have you spoken to about descriptions of
23 vehicles?

24 BY MR. ARAVIND:

25 Q. You can answer.

Ea2gcha2

Reynolds - direct

1 A. Numerous.

2 Q. And how many of those descriptions have been a perfect
3 match with the vehicle that you found associated with that
4 crime of violence?

5 MR. DRATEL: Objection.

6 THE COURT: I will allow that question.

7 If you recall.

8 THE WITNESS: I'm sorry. The question one more time.

9 (Record read)

10 MR. DRATEL: I'm also objecting against the form. The
11 two questions don't match.

12 THE COURT: There was a question: How many victims
13 have you spoken to about vehicles or descriptions of people,
14 and we got an answer to that.

15 Then there was a question about how many have you
16 spoken to about descriptions of vehicles, so I think you said
17 about 50 descriptions of vehicles or people.

18 And how many of those were descriptions of vehicles?

19 THE WITNESS: It's hard to tell, ma'am. Numerous.

20 THE COURT: Can you approximate. If you can't, that's
21 fine, but can you?

22 THE WITNESS: I'm sorry. I can't. It's a lot.

23 Q. Let me try it this way.

24 THE COURT: You may.

25 Q. When you get a description of a vehicle from a victim, what

Ea2gcha2

Reynolds - direct

1 do you do?

2 MR. DRATEL: Objection.

3 THE COURT: I'll allow this question.

4 A. Attempt to locate -- attempt to locate it.

5 Q. Attempt to locate what?

6 A. The vehicle.

7 Q. What parameters do you use when you're attempting to locate
8 a vehicle?

9 MR. DRATEL: Objection.

10 THE COURT: I'll allow it.

11 A. Again, if somebody provides me with a description in this
12 case of a car, if they provide a make, a year, a color, I'm not
13 just going to look for that specific make or color or year, you
14 know. I'm going to look for similar makes, similar styles,
15 similar colors, that sort of thing.

16 Q. Did you do anything to investigate the car that you
17 observed in the vicinity of 4782 Barnes Avenue?

18 A. Yes. After observing the car, we decided to basically
19 conduct a surveillance, watch the vehicle.

20 Q. Before doing that, did you do anything else?

21 A. Yes, we also ran a license plate.

22 MR. ARAVIND: We have another stipulation to read.

23 THE COURT: Okay. It is hereby stipulated and agreed
24 by and between the United States of America by Preet Bharara,
25 U.S. Attorney for the Southern District of New York, Negar

Ea2gcha2

Reynolds - direct

1 Tekeei and Santosh Aravind and Antione Chambers, the defendant,
2 by and through the consent of his attorney, Joshua Dratel that:

3 (1) If called to testify, a witness from the North Carolina
4 Division of Motor Vehicles or NCDMV would testify as follows:

5 (a) That he is an employee of the NCDMV with
6 responsibilities for processing registration information.

7 (b) He is familiar with the record-keeping practices
8 of the NCDMV as they pertain to registration information.

9 (c) Government Exhibit 902 reflects registration
10 records for a 1995 Honda Accord bearing license plate sequence
11 AKW7788 registered to Zaporla DEAUAA Dunbar.

12 (d) The records contained in Government Exhibits 902
13 are records of regularly conducted activity within the meaning
14 of Federal Rule of Evidence 803(6).

15 It is further stipulated and agreed that the
16 stipulation is Government Exhibit 2003 and Government Exhibit
17 902 are admissible in evidence as government exhibits at trial.

18 I will admit Exhibits 2003 and 902, and I will also
19 admit all of the stipulations that I have already read. And
20 this is signed by counsel for the parties.

21 (Government's Exhibits 902, 2003 received in evidence)

22 Q. Special Agent Reynolds, when you say you were doing
23 surveillance, what does that mean?

24 A. Sitting in our car, watching that car.

25 Q. Did there come a time when you saw someone enter that car?

Ea2gcha2

Reynolds - direct

1 A. Yes.

2 Q. Was it a man or a woman?

3 A. Woman.

4 Q. What did you do?

5 A. The vehicle left, so we followed the vehicle.

6 Q. What did you do?

7 A. We observed the vehicle stop at a local school, pick up
8 children, and then we went back to the residence without
9 following the car and the car a short time later came back.

10 Q. What happened when the car came back?

11 A. When the car came back, we went to 4782 Barnes Avenue to
12 talk to that female.

13 Q. Did there come a time when you took photographs of that
14 car?

15 A. Yes.

16 Q. I'm showing you what has been premarked for identification
17 as Government Exhibits 400-A, 400-B, 400-C and 400-D.

18 A. Thank you.

19 Q. Do you recognize those items?

20 A. I do.

21 Q. What are they?

22 A. They are photographs of the vehicle that we -- I have been
23 talking about.

24 Q. When were these photographs taken?

25 A. On May 23rd, the day that I found it and was -- conducted

Ea2gcha2

Reynolds - direct

1 the interview.

2 Q. Who took the photographs?

3 A. Detective Deloren.

4 Q. Were you present when these photographs were taken?

5 A. Yes, I was.

6 MR. ARAVIND: Government offers Government Exhibit
7 400-A, 400-B, 400-C, 400-D.

8 MR. DRATEL: No objection.

9 THE COURT: They're admitted.

10 (Government's Exhibits 400-A, 400-B, 400-C, 400-D
11 received in evidence)

12 MR. ARAVIND: May I publish.

13 THE COURT: You may.

14 Q. Let's go to 400-A, Ms. Hansma.

15 What is that, Special Agent Reynolds?

16 A. That's the picture of the car from the front.

17 Q. And approximately where in location are we to 4782 Barnes
18 Avenue?

19 A. The first red brick house that you see back there.

20 Q. You're indicating the top right-hand corner of Government
21 Exhibit 400-A. Thank you. Let's go to 400-B, please.

22 Again, what is that?

23 A. A picture from the other side, from the front.

24 Q. 400-C?

25 A. Side picture.

Ea2gcha2

Reynolds - direct

1 Q. And 400-D?

2 A. The rear including the license plate.

3 Q. Ms. Hansma, can we zoom in on the license plate, please.

4 Can you read that out for the jury?

5 A. Sure. It's a North Carolina license plate, A as in Adam, K
6 as in king, W as in William, 7788.

7 Q. Thank you, Ms. Hansma.

8 Did there come a time when you spoke with anyone on
9 May 23, 2013?

10 A. Yes.

11 Q. Who did you speak with?

12 A. Ms. Zaporla Dunbar.

13 Q. Without telling us what she told you, what did you do?

14 A. I spoke with Ms. Dunbar, I tried to ascertain if --

15 MR. DRATEL: Objection, not during the conversation,
16 but what he did after I assume was the question. It's hearsay.

17 THE COURT: Right.

18 As Mr. Aravind said, don't say what she said.

19 THE WITNESS: Correct.

20 THE COURT: Then you may proceed.

21 Q. Did you say anything to Ms. Dunbar?

22 A. Yes, I did.

23 MR. DRATEL: Objection, hearsay.

24 MR. ARAVIND: Your Honor --

25 THE COURT: It's not offered for the truth. It's a

Ea2gcha2

Reynolds - direct

1 question.

2 First, did you say anything to Ms. Dunbar?

3 THE WITNESS: Yes, I did.

4 THE COURT: Were they statements of fact or were they
5 questions or what were they? What did you say without telling
6 me the content.

7 THE WITNESS: Sure. Both. I made some statements and
8 then I also asked some questions.

9 THE COURT: Okay. So you may proceed.

10 Q. What questions did you ask?

11 A. I asked her if there was any males living with her and who
12 the father of her children was, and I also told her that I
13 believed her vehicle had been used --

14 MR. DRATEL: Objection.

15 THE COURT: Yes. That is sustained.

16 Q. What did you do after you spoke with Ms. Dunbar?

17 A. I attempted to ascertain who the father of her children
18 was.

19 Q. Did you go inside of 4782 Barnes Avenue?

20 A. Yes, I did.

21 Q. And did you see Antione Chambers that day?

22 A. No, I did not.

23 Q. Did you conduct any other further investigation to identify
24 Antione Chambers that day?

25 A. Yes, yes, I did.

Ea2gcha2

Reynolds - direct

1 Q. Tell us what are the things that you did.

2 A. Again, we tried to ascertain the father of her children by
3 contacting -- I'm sorry. Could you repeat the question.

4 Q. What else did you do to identify the father of -- strike
5 that. Let me go back.

6 Did you ask any questions related to Twizzie when you
7 spoke to Ms. Dunbar?

8 A. No.

9 Q. Did there come a time when you obtained a birth certificate
10 as part of this case?

11 A. Yes.

12 Q. I'm showing you what's been marked for identification as
13 Government Exhibit 901. Do you recognize this document?

14 A. I do.

15 Q. What is it?

16 A. It's a birth certificate from the City of New York.

17 Q. How did you obtain this birth certificate?

18 A. Through a grand jury subpoena.

19 Q. And from which agency?

20 A. From the New York City Department of Health and Mental
21 Hygiene.

22 Q. And who is the person for whom you obtained the birth
23 circuit?

24 A. For Dante Chambers.

25 MR. ARAVIND: Government offers Government Exhibit

Ea2gcha2

Reynolds - direct

1 901.

2 MR. DRATEL: No objection.

3 THE COURT: It's admitted.

4 (Government's Exhibit 901 received in evidence)

5 MR. ARAVIND: May I publish.

6 THE COURT: You may.

7 Q. Did you tell us the name of the child that is referenced in
8 the first line?

9 A. Yes. That's Dante Chambers.

10 Q. Can you tell us under 6A who the mother's name is?

11 A. Yes. Zaporla Dunbar.

12 Q. And can you tell us who the father is on item 8A?

13 A. Antione Chambers.

14 Q. Your Honor, just returning this to the -- what is the
15 address associated on this birth certificate?

16 A. The mother's residence is 4782 Barnes Avenue in the Bronx.

17 Q. Thank you, Special Agent Reynolds.

18 MR. ARAVIND: We have another stipulation your Honor
19 to read at this time.

20 THE COURT: Okay. If it's okay with everyone, I'm
21 going to skip the first paragraph that says it's hereby agreed
22 by everyone.

23 It reads: If called to testify, a systems information
24 specialist officer from the Metropolitan Detention Center or
25 MDC, would testify that:

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Reynolds - direct

1 (a) The MDC is a federal detention facility in
2 Brooklyn, New York, and is operated by the U.S. Bureau of
3 Prisons.

4 (b) The MDC permits inmates to use a monitored email
5 system, the inmates are advised that their email may be
6 monitored.

7 (c) The MDC maintains a digital recording system that
8 automatically records telephone calls made by inmates to
9 individuals other than their legal counsel. Signs by the
10 telephones in the MDC indicate that such calls are recorded.

11 (d) Government Exhibit 125 contains a true and correct
12 recording of a telephone call by Antione Chambers on
13 November 25, 2013.

14 (e) From November 2, 2013 to January 12, 2014, there
15 were approximately 82 telephone calls involving Mr. Chambers
16 and all were recorded.

17 (f) Through the MDC email system, Antione Chambers
18 exchanged numerous emails with an individual referred to as
19 Zaporla with the email address zapdunbar@hotmail.com.

20 (g) From November 1, 2013 to December 22, 2013, there
21 were hundreds of emails to which he was a party, all of which
22 were preserved.

23 It is further stipulated and agreed that the
24 stipulation is Government Exhibit 2004 and Government Exhibit
25 125 are admissible in evidence as government exhibits at trial.

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Reynolds - direct

1 Signed by the parties, dated October 1.

2 I will admit those exhibits, so Exhibits 2004 and 125
3 are admitted.

4 (Government's Exhibits 125, 2004 received in evidence)

5 MR. DRATEL: Brief side bar.

6 MR. ARAVIND: Or we can take a break.

7 THE COURT: It may be a good break time. No, it's not
8 a good break time. We're going to have a side bar.

9 (Continued on next page)

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Reynolds - direct

1 (At the side bar)

2 MR. DRATEL: I apologize for needing a side bar for
3 this, but that stipulation I would ask for a limiting
4 instruction.

5 THE COURT: What do you want it to be?

6 MR. DRATEL: Just to say that the fact that he's in a
7 pretrial detention facility for this case, they should not
8 consider it, there's no evidentiary value, the presumption of
9 innocence applies.

10 MR. ARAVIND: That's fine.

11 (Continued on next page)

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Reynolds - direct

1 (In open court; jury present)

2 THE COURT: Ladies and gentlemen, apropos of the
3 stipulation I just read to you, the evidence that Mr. Chambers
4 was in the MDC, which is a pretrial detention center and the
5 fact that he was detained in the pretrial detention center is
6 not something you should consider or draw any conclusions from.
7 It's not evidence. You should disregard that part of it
8 entirely.

9 MR. ARAVIND: Thank you, Judge.

10 Q. I'm going to show you what's been marked for identification
11 as Government Exhibit 125-T. Thank you, Mr. Street.

12 Do you recognize that, Special Agent Reynolds?

13 A. Yes, yes.

14 Q. Is that a excerpt of -- a transcript of an excerpt of a
15 call that is referenced in Government Exhibit 125?

16 A. Yes.

17 MR. ARAVIND: Government offers Government Exhibit
18 125-T.

19 MR. DRATEL: No objection.

20 MR. ARAVIND: At this time, may we publish 125, which
21 is the call and then 125-T, which is in the jury binders.

22 THE COURT: I'll admit 125-T and you may publish both.

23 (Government's Exhibit 125-T received in evidence)

24 MR. ARAVIND: Thank you. We'll just do the excerpt.

25 THE COURT: Do the jurors have the transcript?

Ea2gcha2

Reynolds - direct

1 MR. ARAVIND: It should be 125-T in the jury binders.

2 THE COURT: Okay.

3 MR. ARAVIND: I'm happy to publish it on the screen,
4 your Honor. It's very short.

5 THE COURT: It is very short. Do you want to put it
6 on the screen. That's probably easier than fishing around for
7 it.

8 (Audio recording played)

9 Q. Thank you, Ms. Hansma.

10 Special Agent Reynolds, are you familiar with an
11 individual named Kentrell Ferguson?

12 A. Yes, I am.

13 Q. Have you spoken to Mr. Ferguson?

14 A. Yes, I have.

15 Q. Let's publish Government Exhibit 4000 as soon as Ms. Hansma
16 is ready. What is this? What is in Government Exhibit 4000
17 that's been admitted into evidence?

18 A. It's a picture of a contact from Mr. Ferguson's phone.

19 Q. What's the name at the top?

20 A. Twizzie.

21 MR. ARAVIND: At this time, we would offer Government
22 Exhibit 4C, which is the nameplate Twizzie.

23 THE COURT: Any objection?

24 MR. DRATEL: No objection.

25 THE COURT: It's admitted.

Ea2gcha2

Reynolds - direct

1 (Government's Exhibit 4C received in evidence)

2 MR. ARAVIND: And also Government Exhibit 4D, which is
3 the nameplate Twiz.

4 MR. DRATEL: No objection.

5 THE COURT: Admitted.

6 (Government's Exhibit 4D received in evidence)

7 THE COURT: You may publish.

8 Q. Special Agent Reynolds, did there come a time when you had
9 interviewed other people about Mr. Chambers' whereabouts?

10 A. Yes.

11 Q. When were those interviews conducted?

12 A. On May 30th, 2013.

13 Q. Approximately how long was that after your interview with
14 Ms. Dunbar?

15 A. Seven days later.

16 Q. Whom did you interview?

17 A. I interviewed Mr. Chambers' mother and his sister.

18 Q. Did you ask those people questions?

19 A. Yes, I did.

20 Q. What questions did you ask?

21 A. Where Mr. Chambers -- if they knew where Mr. Chambers was.

22 Q. Did you locate Mr. Chambers on May 30, 2013?

23 A. I did not.

24 Q. Did there come a time when you spoke to an individual named
25 Isaac Nelson?

Ea2gcha2

Reynolds - direct

1 A. Yes.

2 Q. Who is that?

3 A. The landlord for 4782 Barnes Avenue.

4 Q. When did you speak to Mr. Nelson?

5 A. Also on the 30th.

6 Q. What questions did you ask him?

7 A. If he had seen Ms. Dunbar or Mr. Chambers.

8 Q. Based on your conversations with the landlord, did you
9 learn the wheres about of Antione Chambers or Zaporla Dunbar?

10 A. No, I did not.

11 MR. DRATEL: Objection, your Honor. Move to strike,
12 "Did he learn."

13 THE COURT: I'll allow it.

14 Q. Ms. Hansma, can we now publish Government Exhibit 160-A.
15 If we can highlight the very top where it says "call records."

16 What is that number, (646)503-8904?

17 A. That's the telephone number for Ms. Dunbar.

18 Q. How do you know that?

19 A. I've called it.

20 Q. Have you reviewed what's been admitted into evidence as
21 Government Exhibit 160-A?

22 A. Yes.

23 Q. And what is this document?

24 A. It's call records that I had subpoenaed for her phone
25 number.

Ea2gcha2

Reynolds - direct

1 Q. What did you learn based on your review of these phone
2 records?

3 A. I spoke to Ms. Dunbar on the 23rd and after the 23rd, there
4 was no longer any outbound calls or activity on the telephone.

5 Q. Ms. Hansma, let's look at page 81 of this PDF, which is
6 Government Exhibit 160-A.

7 Let's look at the last outbound call, which is
8 5/23 -- what's the date that you see there, Special Agent
9 Reynolds?

10 A. May 23rd, 2013.

11 Q. Is that the last outbound call on these records?

12 A. Yes.

13 Q. So what does that mean for the jury?

14 A. The phone was stopped being used on the 23rd.

15 MR. DRATEL: Objection. These are no more outbound
16 calls --

17 THE COURT: Sustained.

18 Q. What does it mean about whether this phone was used with
19 respect to any outbound phone calls?

20 A. It was no longer used for outbound phone calls.

21 Q. Let's look at the inbound calls after this date.

22 Ms. Hansma, if you then zoom down. Do you see any inbound
23 calls -- actually, let's go to the next page. I'm sorry, page
24 82, and if you can go one more column over.

25 What do you see about the duration of these inbound

Ea2gcha2

Reynolds - direct

1 calls?

2 A. They're all two seconds long or one and zero.

3 Q. And after -- do you have any records past May 29, 2013?

4 A. I do not.

5 Q. I want to show you now what's been premarked for
6 identification as government exhibit -- just one moment.

7 Special Agent Reynolds, did you ask for any phone
8 records beyond May 29, 2013 for this phone?

9 A. I don't believe so.

10 Q. Was this phone ever used to your knowledge after that date?

11 MR. DRATEL: Objection.

12 THE COURT: Sustained.

13 Q. I'm going to show you what has been premarked for
14 identification as Government Exhibit 5003.

15 Do you recognize this item?

16 A. I do.

17 Q. What is this item?

18 A. It's a summary of the numbers that I've talked about that I
19 helped prepare.

20 Q. Did you assist in the preparation of this chart?

21 A. Yes, I did.

22 Q. Did you review it for accuracy and compare it to the
23 underlying phone records?

24 A. Yes.

25 MR. ARAVIND: Government offers Government Exhibit

Ea2gcha2

Reynolds - direct

1 5003 as a summary chart and an aid to the jury.

2 THE COURT: Any objection?

3 MR. DRATEL: No, your Honor.

4 THE COURT: I'll allow it. It's admitted.

5 You may publish.

6 (Government's Exhibit 5003 received in evidence)

7 MR. ARAVIND: Thank you.

8 Q. Can you zoom in.

9 Can you tell us what the description is for the column
10 all the way to the left. What is that?

11 A. That's the description that I gave it.

12 Q. And phone number, what does that mean?

13 A. That's the telephone number.

14 Q. The name listed in the Brown iPhone, what does that mean?

15 A. What that refers to is that's the contact that that phone
16 number was under in the Brown iPhone.

17 Q. And, again, that's Government Exhibit 601?

18 A. Yes, sir.

19 Q. What's the next column?

20 A. The next column is for how those names -- how the names and
21 phone numbers were listed in the Brown Pantech phone.

22 Q. The next column?

23 A. That is how -- describes how the contact and associated
24 phone number was listed in the Kentrell Ferguson phone.

25 Q. The next column?

Ea2gcha2

Reynolds - direct

1 A. That indicates toll records that we have for the phone
2 numbers.

3 Q. If you have any, if you have any?

4 A. If we have any, yes.

5 Q. What about the last column?

6 A. It indicates whether there is cell site records for that
7 telephone number.

8 Q. Thank you, Ms. Hansma.

9 Special Agent Reynolds, did there come a time when you
10 obtained an arrest warrant for Mr. Chambers?

11 A. Yes.

12 Q. When was that?

13 A. I believe it was June 20 of -- no, excuse me. It was early
14 June of 2013, the 11th.

15 Q. What did you have to do to obtain an arrest warrant?

16 A. Swear out a complaint in front of a judge.

17 Q. After you obtained an arrest warrant, what did you do with
18 respect to Mr. Chambers?

19 A. I continued to try to locate Mr. Chambers and the other
20 thing that I did was, I entered the warrant into the NCIC
21 database.

22 Q. What does that mean, the NCIC database?

23 A. The NCIC database is a system that is oversaw by the FBI,
24 but it connects law enforcement computers across the country,
25 including the Department of Motor Vehicles.

Ea2gcha2

Reynolds - direct

1 Q. Were you looking for any targets in your investigation of
2 this home invasion robbery at this time?

3 A. Yes.

4 Q. Who?

5 A. Mr. Glisson.

6 Q. What was -- what was Mr. Glisson's first name?

7 A. Steven.

8 Q. And what's his nickname?

9 A. Dee.

10 Q. Did there come a time when you arrested Mr. Glisson?

11 A. Yes.

12 Q. When was that?

13 A. June 20 of 2013.

14 Q. Where did you arrest him?

15 A. In Brentwood, New York, out in Long Island.

16 Q. After arresting him, did you do anything else that day with
17 respect to that location?

18 A. Yes. I searched the bedroom where he was staying, which
19 was located at 123 Studley Street in Brentwood.

20 Q. Did you seize any evidence during the course of that
21 search?

22 A. Yes, I did.

23 Q. What did you seize?

24 A. Among other things, I recovered two magazines for a
25 semiautomatic pistol that was loaded with 9 millimeter

Ea2gcha2

Reynolds - direct

1 ammunition.

2 Q. I'm going to show you what's been premarked for
3 identification as Government Exhibit 700. Do you recognize
4 that item?

5 A. I do.

6 Q. What is it?

7 A. It's the two magazines and the ammunition, the bullets.

8 Q. Approximately how much ammunition did you find?

9 A. There was 16 rounds in one magazine and four rounds in the
10 other magazine.

11 MR. ARAVIND: Your Honor, the government offers
12 Government Exhibit 700.

13 MR. DRATEL: No objection.

14 THE COURT: It's admitted.

15 (Government's Exhibit 700 received in evidence)

16 MR. ARAVIND: May I just publish it to the jury
17 without giving it to them or have Mr. Street do it.

18 THE COURT: Mr. Street may. Just show it to them.

19 MR. ARAVIND: Thank you, Mr. Street.

20 Q. Special Agent Reynolds, did there come a time when you were
21 able to locate Mr. Chambers?

22 A. Yes.

23 Q. When was that?

24 A. July 3, 2013.

25 Q. Did there come a time when you actually physically arrested

Ea2gcha2

Reynolds - direct

1 him?

2 A. Yes.

3 Q. And when was that?

4 A. July 15, 2013.

5 Q. Where did that happen?

6 A. In Huntington, New Jersey.

7 Q. What happened after you interviewed him -- what happened
8 after you arrested him? Sorry.

9 A. After arresting Mr. Chambers, again, that was out in New
10 Jersey, I had to drive him back to 26 Federal Plaza for arrest
11 processing.

12 Q. And what happened then?

13 A. During that time, I interviewed him.

14 Q. Did you advise him of his Miranda rights?

15 A. I did.

16 Q. Did he make statements?

17 A. He did?

18 MR. DRATEL: Objection.

19 THE COURT: Sustained.

20 MR. ARAVIND: I'm sorry.

21 THE COURT: I said sustained. Please move on.

22 MR. ARAVIND: Can we approach.

23 THE COURT: Okay.

24 (Continued on next page)

Ea2gcha2

Reynolds - direct

1 (At the side bar)

2 MR. ARAVIND: Your Honor, I am intending to elicit
3 certain of the defendant's postarrest statements. The defense
4 has been on notice of these statements for over a year, I
5 believe. There has not been a single motion to suppress those
6 statements. I'm not sure why --

7 THE COURT: What are we talking about?

8 MR. ARAVIND: Postarrest statements made by
9 Mr. Chambers.

10 THE COURT: You said Brown.

11 MR. DRATEL: No. He's talking about Chambers, but the
12 point is --

13 THE COURT: Postarrest statements of Mr. Chambers?

14 MR. DRATEL: I don't believe we got any of that.
15 There's no 302.

16 MR. ARAVIND: Yes, there is; you have a 302.

17 MR. DRATEL: It's 302 but I got it in 3500. I don't
18 know because I got it in discovery.

19 MS. TEKEEI: It was produced in August in 2013 in the
20 initial discovery.

21 MR. ARAVIND: The defense has been on notice of these
22 statements for over a year. I think it's a little bit late for
23 this motion to be happening.

24 THE COURT: I agree. I'm sorry. I misheard. I
25 thought you were talking about Brown. You were talking about

Ea2gcha2

Reynolds - direct

1 Chambers.

2 MR. ARAVIND: We're not talking about Brown.

3 THE COURT: You're talking about Chambers.

4 It's an admission against interest. The defendant has
5 been on notice. There was no motion.

6 MR. ARAVIND: I'll be very brief.

7 MR. DRATEL: As the Court is aware, I want to put on
8 the record, I was not the first lawyer in this case. I was not
9 aware until I received the 3500 material that there was
10 anything about statements by Mr. Chambers.

11 THE COURT: Okay.

12 (Continued on next page)

Ea2gcha2

Reynolds - direct

(In open court; jury present)

BY MR. ARAVIND:

Q. Did Mr. Chambers make any statements after he was arrested?

A. Yes.

Q. What, if anything, did he say about Tyrone Brown?

A. He said Tyrone Brown was somebody that he knew, but that he didn't have much contact with.

Q. What, if anything, did he say about Steven Glisson?

A. Same thing.

Q. What, if anything, did he say about Zaporla Dunbar?

A. That he had a child with Ms. Dunbar and that he had called 9-1-1 in February of 2013 because she was having a child.

Q. What did he say about any cars?

A. He said that Zaporla Dunbar doesn't let him drive.

MR. DRATEL: I'm sorry. I didn't hear that.

"Zaporla."

A. I'm sorry. Ms. Dunbar doesn't let him drive the car.

THE COURT: Does not.

THE WITNESS: Does not.

Q. And what, if anything, did he say about any items that you searched in the car?

A. He said the hammer in his car was one of the tools that he uses to I believe work on houses.

MR. ARAVIND: May I have just one moment.

THE COURT: Yes.

Ea2gcha2

Reynolds - direct

1 MR. ARAVIND: Nothing further, your Honor.

2 THE COURT: Cross?

3 MR. DRATEL: One moment, your Honor.

4 CROSS-EXAMINATION

5 BY MR. DRATEL:

6 Q. Good afternoon, Agent Reynolds.

7 A. Good afternoon.

8 Q. Now, just to recap some things, you arrested Steven Glisson
9 June 20, 2013?

10 A. Yes, sir.

11 Q. In Brentwood, Long Island?

12 A. Yes.

13 Q. And you recovered ammunition, right?

14 A. Yes, sir.

15 Q. And Tyrone Brown arrested April 8, 2013, right?

16 A. Yes, sir.

17 Q. Recovered drugs and a scale, correct?

18 A. Yes, sir.

19 Q. And Tyrone Brown's height is about 5'6"?

20 A. Yes.

21 Q. And Mr. Chambers arrest, you first learned of his
22 whereabouts in terms of your attempts to locate him July 3rd,
23 2013, right?

24 A. Yes, sir.

25 Q. And that was from the New Jersey authorities?

Ea2gcha2

Reynolds - cross

1 A. Yes, sir.

2 Q. And Government Exhibit 4, do you know what I'm talking
3 about. It's the photo of Mr. Chambers. I think it's the one
4 up there actually.

5 A. Okay.

6 Q. Is that photo taken at his processing?

7 A. I'm sorry. Our processing or the New Jersey processing?

8 Q. No. Your processing?

9 A. I'm not sure. I actually believe that that's the New
10 Jersey --

11 Q. But you think -- okay. So that's the New Jersey photo?

12 A. I believe so.

13 Q. Okay. But that's a contemporaneous photo at the time,
14 right, from July 2013, to your knowledge?

15 A. To my knowledge.

16 Q. And you said that you swore out a complaint against
17 Mr. Chambers, correct?

18 A. Yes, sir.

19 Q. And the complaint was made public after your arrest of
20 Mr. Chambers, your federal arrest of Mr. Chambers, July 15,
21 right?

22 A. Yes, sir.

23 Q. And in the complaint, there's a section about Twizzie,
24 right, about trying to connect these phone numbers and things
25 like that, right?

Ea2gcha2

Reynolds - cross

1 A. I believe so.

2 Q. Do you need to be sure or -- if I may approach, your Honor.

3 THE COURT: You may.

4 Q. Let me show you what's marked 3501-12. I ask you to look
5 at the first full paragraph on the page and you can look at the
6 front of the document to get context.

7 A. Sure. Yes.

8 Q. So that's in the complaint about the allegation of
9 Mr. Chambers and Twizzie, right?

10 A. Yes.

11 Q. Now, so you're familiar with the investigative file, right?

12 A. Yes, sir.

13 Q. And there are no reports by any NYPD or other persons
14 reflecting an interview with Demi Torres and we know who we're
15 talking about Demi Torres, she testified yesterday?

16 MR. ARAVIND: Objection to hearsay, foundation.

17 THE COURT: Overruled.

18 Q. With respect to Ms. Torres, just so we know who we're
19 talking about, right, Ms. Torres, she testified yesterday, the
20 daughter of Ms. Torruella, right?

21 A. Yes.

22 Q. And there are no notes or memoranda of any interview of her
23 by NYPD or by anyone, there are no reflected notes of
24 interviews of her before January 24th, 2014; is that correct?

25 A. Not that I recall.

Ea2gcha2

Reynolds - cross

1 Q. Right. So you don't recall any other memorialization or
2 memos or anything like that?

3 A. Yes, sir.

4 Q. Right. You don't recall. Okay. Thank you.

5 And if you had spoken to her, you would have prepared
6 a 302 on that, correct?

7 MR. ARAVIND: Objection; calls for speculation.

8 THE COURT: I'll allow it.

9 A. Depending on the nature of the -- if it's an interview,
10 yes.

11 Q. You prepared 302s on all these other interviews you did,
12 right?

13 A. Yes.

14 Q. All the ones you talked about, everyone is accompanied by a
15 302?

16 A. I believe so.

17 Q. You talked a little bit about cars, and vehicle
18 descriptions. You had a conversation with assistant U.S.
19 Attorney Amy Lester, right, back towards the beginning of the
20 case, correct, the beginning of the investigation, right?

21 A. I had multiple conversations with Ms. Lester.

22 Q. And did you tell her during one of the conversations that
23 you were looking for a black Acura 1997/1998?

24 A. I don't recall.

25 Q. Let me show you what's marked 3501-36. I just ask you to

Ea2gcha2

Reynolds - cross

1 look -- I'll highlight the spot where I'd like you to look.

2 Let me know when you're ready.

3 If that refreshes your recollection that you told
4 Ms. Lester, Assistant United States Attorney Ms. Lester, that
5 you were looking for a black Acura 1997/1998?

6 A. No, sir. These aren't notes in regards to a conversation I
7 had with Ms. Lester.

8 Q. Did you have a conversation with anyone in the U.S.
9 Attorney's Office or anyone with respect to saying that you
10 were looking for a black Acura 1997/1998?

11 A. Not that I recall.

12 Q. Even looking at that document, you don't recall?

13 A. I don't believe these are notes regarding a conversation
14 that I had.

15 Q. By the way, you got that information about the black Acura
16 from -- withdrawn. You got information about a black Acura,
17 correct?

18 A. Yes, sir.

19 Q. You got it from Detective Deloren, right?

20 A. Yes, sir.

21 Q. And that was 1997/98 year, that's -- you got that from him
22 as well, right?

23 A. The description of the vehicle?

24 Q. Yes.

25 A. Yes, sir.

Ea2gcha2

Reynolds - cross

1 Q. Now, with respect to Zaporla Dunbar, right, you did some
2 additional investigation, right?

3 A. In terms of what?

4 Q. Trying to find her?

5 A. Find her?

6 Q. Yeah.

7 A. Yes, sir.

8 Q. In fact, you learned that the school that her children had
9 been in in the Bronx received a request from a school in North
10 Carolina for records because she had requested to enroll them
11 in the school in North Carolina, correct?

12 MR. ARAVIND: Objection, calls for hearsay.

13 THE COURT: I'll allow it.

14 A. Can you repeat that, sir?

15 Q. Sure. You learned that school officials in the Bronx where
16 Ms. Dunbar's older child was attending or had been attending
17 received a request from an elementary school in North Carolina
18 for Dunbar's eldest child's school records, and the records
19 requested indicated she was going to enroll at the North
20 Carolina elementary school, right?

21 A. Yes, sir.

22 Q. So you learned that. And you also learned and you knew
23 that Ms. Dunbar's mother lived in North Carolina, right?

24 A. Yes, sir.

25 Q. And that she used to live in North Carolina with her mother

Ea2gcha2

Reynolds - cross

1 and that's where her car is registered, correct --

2 A. Yes, sir.

3 Q. -- to, in fact, her mother's address?

4 A. I believe so.

5 Q. And that's the Honda we're talking about, right?

6 A. Yes, sir.

7 Q. And that the North Carolina school that made the request of
8 the Bronx school is in the vicinity of Ms. Dunbar's mother,
9 right?

10 A. Yes, sir.

11 Q. So you learned all that during the course of your
12 investigation, right?

13 A. Yes, sir.

14 Q. Now, you went through a lot of the phone records. Now, you
15 talked -- I think the first answer you gave on direct was about
16 investigative techniques and one you mentioned was wiretaps,
17 right?

18 A. Yes, sir.

19 Q. No wiretaps in this investigation, correct?

20 A. No, sir.

21 Q. The only wiretaps we have seen were of a separate
22 investigation of David Barea done by New York State
23 authorities, right?

24 A. Yes, sir.

25 Q. And that wiretap included January of 2013, right?

Ea2gcha2

Reynolds - cross

1 A. I believe so, yes.

2 Q. So you have no content of any of the communications,
3 whether text or phone that we went through, right?

4 A. No, sir.

5 Q. You have no specific identity of who was on which side of
6 which call, right?

7 A. Correct.

8 Q. You don't know when those contacts were entered into the
9 phones, correct?

10 A. No, I do not.

11 Q. By the way, on the issue of how phone calls are logged on
12 toll records, you weren't sure whether in four seconds or two
13 seconds included completed calls or uncompleted calls.

14 Have you ever seen an uncompleted call on a toll
15 record? In other words, someone rings and then hangs up before
16 someone answers?

17 A. I believe you're correct.

18 Q. So that's a completed call; in other words, where someone
19 picks up or -- either picks up or it goes to voicemail or
20 whatever, but there's a connection to the other phone, correct?

21 A. I believe so, yes.

22 MR. DRATEL: Nothing further. Thank you.

23 MR. ARAVIND: No further questions, your Honor.

24 THE COURT: You may be excused.

25 THE WITNESS: Thank you.

Ea2gcha2

Reynolds - cross

1 (Witness excused)

2 THE COURT: My plan is to go about 3:00 and take a
3 break at 3:00.

4 MR. ARAVIND: The government calls Special Agent Eric
5 Perry.

6 ERIC PERRY,

7 called as a witness by the Government,

8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. ARAVIND:

11 Q. Where do you work?

12 A. Currently employed by the Federal Bureau of Investigation.

13 Q. What is your title with the FBI?

14 A. I'm a special agent.

15 Q. How long have you worked as a special agent with the FBI?

16 A. A little over five years.

17 Q. Before that, Special Agent perry, what did you do for a
18 living?

19 A. I was employed by the Colorado State Patrol as a state
20 trooper.

21 Q. For how many years were you a state trooper?

22 A. Close to 11 years.

23 Q. Are you currently assigned to any section or unit within
24 the FBI?

25 A. Currently, I am a full-time member of our cellular analysis

Ea2gcha2

Perry - direct

1 survey team. We are based out of our criminal investigation
2 division out of Washington, D.C.

3 Q. What is the cellular analysis survey team?

4 A. It is a member -- I think to date we have 32 members of
5 agents and analysts that have received a substantial amount of
6 specialized training with regard to cellular technology and
7 cellular analysis.

8 Q. How long have you been doing what you describe as cellular
9 analysis?

10 A. Since 2007.

11 Q. Did you do that when you were a state trooper as well?

12 A. Yes. I was actually an investigator assigned to the FBI's
13 violent crime task force in Denver at that time and that's when
14 I got into the cellular analysis.

15 Q. Do you have training in the area of cellular analysis?

16 A. Yes, I do.

17 Q. Can you explain what that training is for the jury.

18 A. To date, I have well over 400 hours of specialized training
19 in which we receive direct training from the major providers
20 such as AT&T, Verizon, Sprint, Metro-PCS, T-Mobile. That
21 training was conducted by members of their subpoena compliance
22 group which handles the call detail records.

23 In addition to that, we met with and received training
24 from their network engineers who are in charge of maintaining,
25 designing and constructing in some cases their cellular

Ea2gcha2

Perry - direct

1 networks.

2 On top of that, I received about six weeks of training
3 from third-party contractor called ETS, which is Emerging
4 Technology Solutions. They're a contractor that provides
5 training to federal entities, as well as the Department of
6 Defense. That training consisted of training specifically
7 dealing with cellular technology, as well as call detail record
8 analysis.

9 Q. Can you explain what cell site data is?

10 A. Cell site data is the information that is collected by the
11 cell phone providers any time your phone is engaged in a voice
12 call, text message or a data connection with their network.

13 Q. How does cell site differ, if any, from GPS data?

14 A. Cell site data -- sorry. Cell site analysis is used in a
15 historical context. This information is already taken place
16 and those are the records that are generated through the use of
17 a cell phone.

18 GPS is predominantly used for a real-time location
19 information; such as, say, a 9-1-1 capacity if you're trying to
20 locate a lost hiker or a -- an individual who is in a motor
21 vehicle, and it utilizes satellites in the sky, whereas call
22 detail records are system-based, network-based.

23 Q. Can you make any determination of what is more accurate,
24 cell site or GPS data?

25 A. It depends on the coverage area, but predominantly the

Ea2gcha2

Perry - direct

1 satellite GPS systems will provide for much more accurate
2 location information.

3 Q. How, generally speaking, do you get that cell site data
4 that you've talked about?

5 A. It's through a legal request from the law enforcement,
6 whether it be from our agency or local agency or a prosecutor's
7 office, such as the Attorney General or the United States
8 Attorney's Office.

9 It can be gained by a Court order, which is
10 predominantly in the federal system and a search warrant, which
11 is most commonly found in the state system; and then, of
12 course, we have the exigent circumstances where we can request
13 those records in such cases like the Boston bombing case or a
14 kidnapping case or a life-threatening situation.

15 (Continued on next page)

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18
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EA2MCHA3

Perry - direct

1 Q. Where do you send that request, either a subpoena or search
2 warrant to?

3 A. It's going to go to the provider. If you know the phone
4 number you need the records on, you are going to send it to the
5 provider that has that service or has that number, such as
6 Verizon or T-Mobile number. It's going to go to either Verizon
7 or T-Mobile.

8 Q. When you obtained those records back from Verizon or
9 T-Mobile, what do the records look like?

10 A. They are most commonly found in two different formats. One
11 will be an Excel spreadsheet or AT&T will provide them in a PDF
12 or text file.

13 Q. Do you also get information about the cell site towers?

14 A. Yes, we do. Those are referred to as a cell site key or a
15 cell site location information.

16 Q. Is there anything that you do as part of a member of CAST
17 to verify coverages with respect to cell towers?

18 A. Yes. We actually conduct what's called a drive test when
19 appropriate, when the timeliness of our investigation allows us
20 to. What a drive test is is, it's the same procedure that the
21 major providers conduct to determine the actual coverage area
22 of a particular tower and sector. The networks utilize it to
23 determine their coverage areas to make sure their antennas are
24 aligned in an area to provide service to you as a customer as
25 well as to identify dead zones, especially if they receive a

EA2MCHA3

Perry - direct

1 lot of complaints for calls being dropped. And where we use
2 it, we utilize the same software that they use.

3 And what it is is, you have a GPS and your GPS is
4 receiving your location every second. Utilizing the
5 carrier-specific phone and the software, the drive test
6 software, which is JDSU, which is the vendor that we use, every
7 second I'm getting my location and every second my phone in the
8 software is collecting what my location is and what cell tower
9 my phone is communicating with so I can specifically identify a
10 spot on earth and know exactly what cell tower and sector my
11 phone is in contact with.

12 Q. Based on your training and experience and your application
13 of these drive tests and any other information, is cell site
14 data reliable?

15 A. Absolutely.

16 Q. Can you explain that to the jury?

17 A. I've been utilizing this technique since 2007 to develop a
18 pattern of life based on somebody's phone use and to physically
19 go out and locate fugitives. Just the other day we had a case
20 out of New York where the individual was thought to be in New
21 Jersey. We were able to map out his call usage and, sure
22 enough, we found him in the towering sector of the footprint
23 that we identified. And actually the next day we identified
24 another individual in that case. We went back out utilizing
25 the same technique for his phone, located him as well. That's

EA2MCHA3

Perry - direct

1 just two instances of thousands in which we have utilized this
2 technique to identify people. We have actually used this
3 technique to locate victims of suicide, victims of car
4 accidents. And we have actually -- I'm a member of 32
5 individuals on my team and we utilize this on a daily basis. I
6 made reference to the Boston bombing case. This technique was
7 used in that and proved extremely valuable.

8 Q. When you get cell site data from one of those service
9 providers, Verizon, T-Mobile that's associated with a
10 particular phone, what do you do with those records to analyze
11 them?

12 A. To analyze the records I need to have something to compare
13 them to, working with the investigators and the prosecutors,
14 and I'm often provided the dates and times of alleged crimes or
15 incidents. Once I have that information, I then review the
16 records to see if there is any phone usage during those time
17 frames. If there is none, then I really can't identify where
18 the phone was. If there is records in and around that time
19 frame, I can identify the cell tower that was used and the
20 sector that was used and offer an opinion of general location
21 of where the phone was at.

22 Q. Do you do anything to visualize the location of a
23 particular phone when you are doing your analysis?

24 A. Yes. Most of our analysis involve a mapping of those calls
25 in creating exhibits. It is for interview purposes. We create

EA2MCHA3

Perry - direct

1 exhibits for that. But most predominantly it's for testimonial
2 purposes.

3 Q. Can you briefly describe to the jury what you do step by
4 step when you get those records and create those visual
5 representations?

6 A. If I have calls that cover the time frame of an alleged
7 crime, I identify the cell tower, what region of the country
8 the phone was being utilized. I then can identify the specific
9 cell tower that the phone was connected to, and I can take it a
10 step further and identify the particular face or sector on that
11 tower that was utilized. Comparing that to the list of
12 locations of the cell towers, I can map those locations of cell
13 towers out.

14 And then we are also provided information from the
15 providers that will tell you what direction a particular sector
16 faces. If you think of a compass, zero degrees being due
17 north, 90 degrees being due east, 180 degrees being due south
18 and then 270 being due west, if I knew my sector of use was
19 oriented at zero degrees, that phone had to have been to the
20 north of the tower, and we are able to visually depict that
21 into a format which makes sense.

22 Q. What's the software program where you create those maps?

23 A. They are publicly available. Most commonly Google Earth
24 and Microsoft Map Point, which is a \$200 program that anybody
25 can buy.

EA2MCHA3

Perry - direct

1 Q. Did you perform cell site analysis in this case?

2 A. Yes, I did.

3 Q. Did you assist in the preparation of slides and maps in
4 connection with that analysis?

5 A. Yes, I did.

6 Q. Special Agent Perry, have you worked on this case in any
7 other capacity other than the preparation of those slides and
8 maps?

9 A. No, I did not.

10 Q. I'm showing you what has been marked for identification as
11 Government Exhibit 150.

12 Do you recognize that item?

13 A. Yes, I do.

14 Q. What is it?

15 A. These are the results of our analysis. I say our. This
16 case was originally assigned to Special Agent Wendell Consenza
17 out of our Norfolk office, but he had a medical emergency come
18 up with his family.

19 Q. Did you prepare some of these slides or all of these
20 slides?

21 A. I reviewed and prepared the slides.

22 Q. When you say reviewed, did you review certain slides that
23 were prepared by Special Agent Consenza?

24 A. Yes, I did.

25 Q. And did you prepare the slides to the underlying cell site

EA2MCHA3

Perry - direct

1 data?

2 A. Yes, I did.

3 MR. ARAVIND: The government offers Government Exhibit
4 150.

5 MR. DRATEL: No objection.

6 THE COURT: It's admitted.

7 (Government's Exhibit 150 received in evidence)

8 THE COURT: You may publish.

9 MR. ARAVIND: Thank you, your Honor.

10 Q. I am also going to show you, Special Agent Perry,
11 Government Exhibit 160, which has been admitted into evidence.

12 Did you review certain of the underlying phone records
13 that are contained in Government Exhibit 160?

14 A. Yes, I did.

15 Q. How do you know that?

16 A. My initials are on the CD after reviewing it.

17 Q. Let's turn to the analysis. Special Agent Perry, let's go
18 to page 2.

19 And tell us what we are looking at here?

20 A. This is -- these are two photographs actually of the same
21 tower -- one is far away. One is more zoomed in -- to just
22 demonstrate to the jury what a typical cell tower looks like.
23 The actual tower is the structures is the metal pole, that's
24 vertical. And the right-hand photo, if you look closely,
25 you'll see the white antennas and that's what your phone will

EA2MCHA3

Perry - direct

1 communicate with. If you'll also notice, there are triangle
2 shapes and there is three sides to the triangle. Those are
3 your three different sectors on that tower to provide a service
4 of 360 degrees.

5 Q. Let's stay here. Does every single cell tower have the
6 same range, Special Agent Perry?

7 A. No.

8 Q. And how do you know that?

9 A. One, I've conducted hundreds of drive tests in which we
10 determined the actual range of cell towers. But also every --
11 the range of each individual tower varies on a couple of
12 things. It varies on the adjacent towers, as well as
13 topography and geography and, such as we have here in New York
14 City, we have concrete structures 50 stories tall. They tend
15 to impede this and limit the range of a cell tower.

16 MR. ARAVIND: Let's go to the next page, Ms. Hansma.

17 Q. What does this document or this slide reflect, Special
18 Agent Perry?

19 A. These are all of the Verizon cell towers within the greater
20 Bronx borough as well as northern Manhattan as well as parts of
21 New Jersey. And those are indicated by the red dots.

22 Q. In your experience, when a call is made, is it necessarily
23 routed to the closest cell tower?

24 A. Most commonly, yes. Again, here in New York City we do
25 have a lot of structures that will limit that potential. What

EA2MCHA3

Perry - direct

1 we see often here in New York City is, you might have a cell
2 tower two blocks to your east, but you have two blocks worth of
3 concrete jungle between the tower and your phone. But if four
4 blocks up the street it is clear and unobstructed and you have
5 a cell tower, you are most often going to connect to the tower
6 that's clear and visible.

7 Q. How do you know that?

8 A. Again, from the drive testing that we conduct as well as
9 just my several years of working in cell phones here in New
10 York.

11 Q. Special Agent Perry, let's go to the next slide.

12 What does this slide reflect?

13 A. This is -- highlighted in that red box is a number 2 with a
14 red dot. That's the location of tower 61 and that's located at
15 1306 Fteley Avenue in the Bronx. That is a tower that we are
16 going to discuss in my ongoing analysis results.

17 MR. ARAVIND: Let's go to the next page, Ms. Hansma.

18 Q. What does this slide reflect?

19 A. This actually shows that there is actually a tower that
20 exists where tower 61 does. And this is a Google Earth street
21 view of the actual tower. These are the antennas fixed to the
22 side of the building and that is tower 61.

23 Q. What's the service provider for that tower?

24 A. Verizon.

25 MR. ARAVIND: Let's go to the next page, Ms. Hansma.

EA2MCHA3

Perry - direct

1 Q. What is does this slide represent?

2 A. This is an excerpt or a portion of the actual call detail
3 records belonging to phone number area code 717-743-6130. This
4 is actually for a time frame of March 25, 2013 in the very
5 early morning hours.

6 Q. Is that the phone that you analyzed or phone records that
7 you analyzed?

8 A. Yes, it is.

9 Q. Let's go through this slide in some detail.

10 What is the first column to the left? What does that
11 represent?

12 A. The title is network element name. This is going to be a
13 group of cell towers that resides within a specific geographic
14 location in the United States. That's often referred to as a
15 switch, which contain up to anywhere from 50 to 300 cell
16 towers. The next column is called the mobile directory number.
17 That is the target number or the number that these records
18 belong to. The next one is the dialed digits numbers.
19 Depending on whether that's an outbound or inbound call, that
20 will identify what number is calling the other number.

21 Q. Call direction?

22 A. Call direction is actually going to have inbound or
23 outbound call.

24 Q. What does the next column reflect?

25 A. The seizure date and time is the specific date and time

EA2MCHA3

Perry - direct

1 that the connection occurred.

2 Q. Duration?

3 A. The duration is in seconds. That's going to be the
4 duration of the event.

5 Q. What about the next two highlighted columns, what does that
6 reflect?

7 A. This is the information that allows us to locate what cell
8 tower was utilized. So using this in conjunction of the first
9 column, the network element name, I know that the network
10 element name is a group of several cell towers within the
11 Bronx, New York area.

12 The next column here, going back to the highlighted
13 column, first serving cell site, that's the actual tower that
14 that call occurred on. The first serving cell face is going --
15 mostly is going to identify three different sectors. You'll
16 have sectors 1, 2, and 3 that a call could occur on. In this
17 particular instance this call occurred on sector 2 for this
18 particular -- once I can identify what direction sector 2
19 faces, then I can determine where in relation to the tower the
20 phone call is.

21 One thing about Verizon I need to clarify is that
22 Verizon uses a type of technology called lucent switches. The
23 CDRs, when they run the CDR --

24 Q. What's a CDR?

25 A. Call detail record. The CDRs, when they are populated,

EA2MCHA3

Perry - direct

1 will reflect sectors 2, 3, and 4 when they are in a lucent
2 market. In essence -- but this still pertains to sectors 1, 2,
3 and 3. It's just the way the records are recorded through a
4 lucent switch. Where it says sector 2, in reality, that's
5 sector 1 on your tower list. That's a unique situation for
6 Verizon and Sprint.

7 Q. The next two columns, last serving cell site and last
8 serving cell face, what does that reflect?

9 A. That identifies in which cell tower and sector that the
10 call ended on.

11 Q. I notice here that all of the last serving cell sites are
12 the same as the first serving cell site. What does that mean?

13 A. In this case it means that the call started and ended
14 utilizing the same sector on the same tower, which in this case
15 was sector 1 in tower 61.

16 Q. If those two numbers are different, the cell towers, what
17 does that mean?

18 A. It means a couple of things. It means that the individual
19 may have moved. In a case where I -- I started a phone call
20 here at the courthouse today and I drove to Westchester, you
21 would see the beginning tower here. And when I resided --
22 wherever I ended the call, you would see a change in cell
23 tower. That's most indicative involving movement. That would
24 also mean that you're stationary in an area where two sectors
25 provided service or overlapping coverage to the same area.

EA2MCHA3

Perry - direct

1 Q. Let's do the last column. What does that mean?

2 A. That just identifies which individual phone is making the
3 phone call.

4 THE COURT: Would now be a good time for a break?

5 MR. ARAVIND: Yes.

6 THE COURT: Let's take a 15-minute break. Please
7 don't talk about the case. We will see you then.

8 (Jury excused)

9 THE COURT: We are adjourned for 15 minutes.

10 (Recess)

11 THE COURT: I have this additional stipulation. I'm
12 sorry. I was just imagining that we read it, but I guess we
13 did not. Does it need an exhibit tag on it, or are you
14 planning to type it between now and tomorrow and put an exhibit
15 tag on it?

16 MR. ARAVIND: We can do that, your Honor.

17 We also have one more. The duct tape that was seized,
18 we are not able to open it. It says biohazard. We have a
19 photograph of the duct tape from that day. We would just ask
20 that that be admitted. And I think Mr. Dratel doesn't have an
21 objection.

22 MR. DRATEL: No problem.

23 THE COURT: That's fine.

24 I understand tomorrow at sundown begins a Jewish
25 holiday. What does that mean in terms of timing? I don't know

EA2MCHA3

Perry - direct

1 if there is anyone Jewish on the jury. I have not really
2 looked at that.

3 MR. DRATEL: For me it actually doesn't matter because
4 I'm so close by. If we break at 5, I'll be fine.

5 THE COURT: I would probably break at 4:30. We will
6 try to go to 4:30 unless somebody really screams and yells.

7 MR. DRATEL: In terms of scheduling, let's say the
8 government rests today.

9 MR. ARAVIND: Should we have this conversation with
10 the witness here?

11 MR. DRATEL: I don't think it matters.

12 THE COURT: If no one cares, I don't mind.

13 MR. ARAVIND: I don't care.

14 MR. DRATEL: If the government rests today -- and we
15 don't know the contours of the defense case yet between the
16 Court's rulings and whether we put on a case at all. But
17 assuming that Dr. Strange goes on tomorrow and assuming she
18 takes up, given the nature --

19 THE COURT: Let's just back up. We have this witness.
20 Do we have anyone else?

21 MR. ARAVIND: No, your Honor.

22 THE COURT: You are going to rest after this witness?

23 MR. ARAVIND: Correct.

24 THE COURT: How much more direct is there of this
25 witness?

EA2MCHA3

Perry - direct

1 MR. ARAVIND: I think about 20 minutes.

2 THE COURT: The government is going to rest very soon.

3 Do you have any witnesses to put on besides

4 Dr. Strange?

5 MR. DRATEL: I was going to recall Detective Deloren,
6 who I saw outside who is here.

7 THE COURT: We can use some time today doing that.

8 MR. DRATEL: Correct.

9 THE COURT: And then we need to have a charging
10 conference. We might be able to do that today. I have
11 conferences starting at 5:15. We might. And then tomorrow,
12 hypothetically, you would put on Dr. Strange and then we would
13 charge the jury and then you would sum up.

14 MR. DRATEL: The Court charges before summations?

15 THE COURT: Yes. I'm strange.

16 MR. DRATEL: It goes in a variety of different ways.

17 If time permits, the Court would have sum up tomorrow?

18 THE COURT: If time permits.

19 MR. DRATEL: That's sort of where I was going with my
20 initial question.

21 THE COURT: Let's get the jury.

22 (Jury present)

23 Q. Good afternoon again, Special Agent Perry. When we left
24 off we were looking at the CDR report. You explained each of
25 the columns. Let's now turn to the maps that you prepared.

EA2MCHA3

Perry - direct

1 MR. ARAVIND: Ms. Hansma, let's go to the next slide,
2 please.

3 THE COURT: Can you identify this by exhibit number?

4 MR. ARAVIND: Sure. I apologize. Government Exhibit
5 150.

6 Q. Special Agent Perry, who provided you with records in this
7 case?

8 A. The records were provided to me by Agent Consenza.

9 Q. And did he or the prosecutors or Special Agent Reynolds
10 provide you with any other information?

11 A. Yes. I was provided with two addresses to compare and to
12 determine if the phone was being utilized in the vicinity of
13 those two addresses.

14 Q. Other than addresses, what about dates and times?

15 A. Yes. I was provided several different date and time ranges
16 as well.

17 Q. Were you provided any other information?

18 A. Not that I recall.

19 Q. Do you know the facts of this case?

20 A. No. I just know I believe there is alleged robbery.

21 Q. So once you had the data from those records, tell us what
22 you did with them to create something like this page.

23 A. This particular map reflects a total of six calls that
24 occurred on the early morning hours of March 25, 2013. Once I
25 identified that there were calls that were within the time

EA2MCHA3

Perry - direct

1 frame identified by Agent Reynolds, I then mapped those out. I
2 then determined if any of the addresses that were provided to
3 me fall within the location of cell tower 61, and I also mapped
4 that out, which is reflected here.

5 Q. Let's take a little bit of time with this map.

6 The address in green in the middle of the page, what
7 does that represent?

8 A. That's the label which is 1338 Croes Avenue in the Bronx,
9 New York. That title belongs to the red balloon to the left of
10 it with an A in it. And that identifies the location of that
11 address.

12 Q. The red dot below that on East 172nd Street, what does that
13 represent?

14 A. That's the actual cell tower location.

15 Q. And let's go to the text box to the left. At the top line,
16 what does that represent, the 717?

17 A. That's the phone number in which these records belonged to.

18 Q. And then date and time, what does that reflect?

19 A. That's the date and time that these six voice calls were
20 initiated.

21 Q. And in which cell tower were these calls initiated or
22 located in?

23 A. Tower 61.

24 Q. And is that in the vicinity of 1338 Croes Avenue?

25 A. It looks like a block away from that address.

EA2MCHA3

Perry - direct

1 Q. The text box now on the bottom right-hand side, what does
2 that reflect?

3 A. That's just a disclaimer.

4 THE COURT: Where is it?

5 MR. ARAVIND: There it is.

6 Q. What does that text box --

7 A. That's a disclaimer just to make it clear that the yellow
8 shaded area or the piece of the pie-like shape is not the
9 actual coverage area of that tower. That was placed in that
10 manner to identify the direction in which the radio frequency
11 is transmitted on that sector.

12 Q. Explain to us, using this map, how the different sectors
13 work. Are we looking at a particular sector or multiple
14 sectors?

15 A. This is one sector of a three-sector -- this is one sector
16 on tower 61.

17 Q. And those calls that are referenced in the text box, those
18 six calls, are they all found in that one sector?

19 A. Yes. They use the same sector on tower 61.

20 THE COURT: Can I ask a question. There is another
21 red dot off to the right. What is that?

22 THE WITNESS: That's the adjacent tower, your Honor.
23 That's tower 120 for Verizon. Same thing with the upper
24 right-hand corner, your Honor. There is another red dot.
25 That's another cell tower.

EA2MCHA3

Perry - direct

1 Q. Let's go to the next slide, Special Agent Perry. Tell us,
2 generally speaking, what we are looking at in this particular
3 side.

4 A. This is several voice calls that occurred on phone number
5 6130 in the early morning hours of March 25, 2013, starting at
6 12:02 a.m. and extending all the way through 10:19 a.m. On the
7 left-hand side are the date and time that the calls were
8 placed. In the right-hand column, where you see the WNWK2 120
9 2, that's the specific network element, the cell tower and the
10 sector that was used. The map to the right, you'd have several
11 red dots, which are the Verizon cell towers. I identified the
12 specific cell towers that correlate to the column to the left,
13 and in those text boxes you'll see the cell number of the
14 tower.

15 Q. Let's go through this step by step. The first call at 002,
16 is that just after midnight on March 25?

17 A. Yes, it is.

18 Q. And using the laser pointer that's in front of you, can you
19 show us on the map what is the location of the cell tower that
20 that call is hitting?

21 THE WITNESS: Your Honor, is it all right if I stand
22 up?

23 THE COURT: Yes, of course.

24 A. That particular call occurred on tower 120 right in the
25 lower right-hand corner.

EA2MCHA3

Perry - direct

1 THE COURT: How do you know?

2 THE WITNESS: Your Honor, if you look up here in the
3 top row right here, March 25, 2013, at 12:02, that particular
4 call occurred on this switch in tower 120, sector 2. That is
5 the information directly from the call detail records.

6 Q. Can you show us how this phone travels in the minutes after
7 that first --

8 A. The first call occurred at 12:02 a.m. and was utilizing
9 tower 120. If you are going from top to bottom, if you look
10 you'll see that there is several calls that occurred on tower
11 61. Tower 61 is to the west of tower 120, as indicated by the
12 text box 61.

13 Q. There is a notation there with something in red. What does
14 that reflect?

15 A. That's just an icon of the approximate location of 1338
16 Croes Avenue.

17 Q. And these are the six calls that we looked at in the
18 previous slide?

19 A. Yes, they are. They extend from 12:13 a.m. through 12:16
20 a.m. And all those calls in between were using the same tower
21 and sector.

22 Q. What's the next call that you are able to map?

23 A. This call occurred at 4:40 a.m. on March 25, 2013. This
24 particular call occurred on tower 275. This tower is located
25 just west of the Bronx River Parkway and it was utilizing

EA2MCHA3

Perry - direct

1 sector 3, which is oriented to the north.

2 Q. How does this phone travel after 4:40 a.m.?

3 A. The remainder of the phone calls from 4:55 a.m. through
4 10:19 a.m. utilize cell tower 90 in sector 1. That tower is
5 located in the upper right-hand corner of the map as identified
6 by the 90 next to it.

7 Q. Did you look at any addresses in the vicinity of where
8 tower 90 is?

9 A. I did.

10 Q. And what location was that?

11 A. I can't remember the exact numerics, but I know it was on
12 Barnes Avenue. I do know the address was located in the
13 vicinity of tower 90.

14 Q. Can you just explain to the jury, Special Agent Perry, if
15 you do not have a record of a phone call, can you prepare some
16 sort of mapping based on that, absent a phone call?

17 A. I would have no idea where the phone was located without
18 that.

19 Q. What about text messages, are you able to map text
20 messages?

21 A. Unfortunately, Verizon only maintains their voice calls
22 only. Different providers collect different information. Like
23 AT&T will provide data connection, text message, and voice.
24 But Verizon only provides voice calls.

25 Q. Did you analyze any other dates as part of your analysis in

EA2MCHA3

Perry - direct

1 this case?

2 A. Yes, I did.

3 MR. ARAVIND: Let's go to the next slide, Ms. Hansma.

4 Q. Special Agent Perry, what are we looking at in this slide?

5 A. These are call activities for the evening of March 17,
6 2013, starting at 7:22 p.m. And it's mapped several phone
7 calls throughout the night and into the early morning hours of
8 March 18, 2013. I believe the last call was at 12:10 a.m. To
9 the right are, again, those are the cell towers that were used
10 and they correlate to the column to the left.

11 Q. Can you, generally speaking, explain to the jury how this
12 6130 phone number travels during the course of that day. And
13 the following day on March 18?

14 A. Again, looking at this column to the right, under true cell
15 name, this is the first call I mapped at 7:22 p.m. on March 17,
16 2013. It was utilizing tower 90 in the upper right-hand corner
17 of the map.

18 The next call occurred at approximately 7:50 p.m. on
19 the night of March 17. So this is actually military time. I'm
20 referring to it in regular civilian time. But this is actually
21 7:50 p.m., and the phone was utilizing a tower located in the
22 vicinity of Webster Avenue and the Cross Bronx Expressway.

23 The next call the phone was utilizing tower 61, sector
24 1, which is the tower down here in the vicinity of 172nd Street
25 and the Bronx River Parkway. There are two calls that occurred

EA2MCHA3

Perry - direct

1 on that tower. The phone then makes a call utilizing tower
2 327, sector 1, which is this tower just south of Bruckner
3 Boulevard where it intersects with the Bronx River Parkway.
4 And then you are going to have -- pretty much the remainder of
5 the calls are going to occur back onto the same tower as it did
6 on the 25th, sector 1 of tower 61. All the calls all the way
7 down except the last call on the bottom here. And that occurs
8 at 12:10 a.m. You have a call at 12:30 a.m., which is used in
9 tower 61, sector 1 down here. The next call at 12:10 -- I'm
10 sorry. That's going to be 12:10 p.m., since this is military
11 time. The phone is back up here on tower 90 in the northern
12 part of the Bronx.

13 MR. ARAVIND: Let's go to the next slide, Ms. Hansma.
14 Q. Can you tell us what we are looking at in this particular
15 slide?

16 A. Yes. This is a call activity that occurred on March 23,
17 2013 in the late evening hours, getting into the early morning
18 hours and even into the next day on the 24th of March.

19 Q. Again, do the same thing. Explain to the jury how this
20 phone travels during the course of that day and entering into
21 the early morning hours of the 24th.

22 A. Yes, I can. The beginning -- if you can look, starting at
23 the top, these are the same towers that we were talking about
24 before. Tower 235 is at Webster Avenue at the Cross Bronx
25 Expressway. This particular phone was utilized in the same

EA2MCHA3

Perry - direct

1 cell tower for four calls. It started at 8:31 p.m. through
2 8:32 p.m. The phone then traveled back into the vicinity of
3 tower 61 and where it was utilizing sector 1, tower 61 for a
4 call.

5 Then it goes to tower 120, which is on the lower
6 right-hand corner, the furthest tower to the east and it makes
7 a phone call there. There are several phone calls where it's
8 kind of utilizing these three different towers. Tower 61,
9 tower 237 on the bottom by the Bruckner Boulevard, tower on the
10 bottom of the slide. And then it bounces back and forth
11 between tower 61 and then tower 237. And then, of course, the
12 last call that I mapped out occurred at 2:22 a.m. on that
13 morning of the 23rd -- the morning of the 24th. That's back up
14 in the vicinity of tower 90. So 90 up in the northern part of
15 the Bronx.

16 Q. Special Agent Perry, let's turn to the next slide. Can you
17 explain what this slide represents?

18 A. This is a slide for all of the cell towers that were
19 utilized by phone number ending in 6130 for the time frame of
20 March 6, 2013 through April 18, 2013. And every red dot is a
21 cell tower that this phone connected to at one particular time
22 during this time frame.

23 Q. The text at the bottom, what does it mean?

24 A. It says most commonly-used tower, tower 405. That's the
25 cell tower where you can see the blue arrow. That points

EA2MCHA3

Perry - direct

1 north. That's that cell tower there and this is in the
2 Harrisburg switch or the Harrisburg group of cell towers.

3 Q. Special Agent Perry, let's go to the next slide.

4 What does this slide reflect? You can refer to the
5 text box you drafted at the top.

6 A. This is actually the phone activity for the evening of
7 March 26, 2013. I was able to determine that the phone was
8 utilizing cell towers in the vicinity of the George Washington
9 Bridge in the Manhattan borough around 6:28 p.m. And as the
10 time progressed throughout the day, the phone then traveled
11 throughout New Jersey into Pennsylvania. The last call that I
12 was able to identify occurred on March 26, 2013 at 11:52 p.m.,
13 and it was utilizing the cell tower in the vicinity of Lebanon,
14 Pennsylvania.

15 Q. Let's go to the next slide, Ms. Hansma.

16 What does this slide reflect, Special Agent Perry?

17 A. This identifies that call that occurred at 6:28 p.m. that
18 was just in the left-hand side of the slide. It's just on the
19 New York side of the George Washington Bridge.

20 Q. There is another text box at the top. The smaller text box
21 at the top, what does that reflect?

22 A. I wanted to identify when the phone was being utilized
23 prior to the movement out to Pennsylvania in the vicinity of
24 cell tower 90. That's what that indicates. That's a call that
25 occurred at cell tower 90 at 3:35 p.m. on the 26th.

EA2MCHA3

Perry - direct

1 Q. Let's go to the next slide.

2 What does this slide reflect, Special Agent Perry?

3 A. This is just a zoomed-in exhibit of the cell tower that was
4 utilized at 11:52 p.m. on March 26, 2013 in the Lebanon or
5 North Cornwall area of Pennsylvania.

6 Q. This is just a closeup of the slide that you just showed
7 two slides ago?

8 A. Yes. With more detail in the local region.

9 Q. Based on your experience as a CAST agent, Special Agent
10 Perry, do you know if the wireless communication networks that
11 you analyzed can make calls or use networks that are capable of
12 replacing calls between states?

13 A. That's the whole reason why they have cellular networks,
14 and absolutely they can. Cell towers are located throughout
15 the entire United States and you can make phone calls from New
16 York and hit every state.

17 MR. ARAVIND: Your Honor, may I have one moment?

18 Q. Where is the Verizon headquarters, to your knowledge?

19 A. They have offices predominantly in Basking Ridge, New
20 Jersey, as well as Bedminster, New Jersey.

21 MR. ARAVIND: No further questions, your Honor.

22 THE COURT: Cross-examination.

23 MR. DRATEL: Yes. Thank you, your Honor.

24 (Continued on next page)

25

Ea2gcha4

Perry - cross

1 THE COURT: Cross.

2 CROSS-EXAMINATION

3 BY MR. DRATEL:

4 Q. Good afternoon, Agent Perry.

5 A. Good afternoon, counsel.

6 Q. So, you've never served as an independent expert on cell
7 site tower, right?

8 A. Not to date, sir.

9 Q. And you've never worked for a provider, right?

10 A. No, I have not.

11 Q. And your work has been basically government investigations?

12 A. A good -- that and I mean, in essence, we've done some
13 search and rescue work, but that's, again, government entity.

14 Q. Yes. And just to go over again the materials that you
15 reviewed, some materials that you said you received from the
16 prosecutors and also the materials that were received from
17 Verizon, right?

18 A. Yes.

19 Q. You didn't do any independent investigation on your own?

20 A. No, I did not.

21 Q. Now, just some sort of fundamentals of cell site
22 technology, it doesn't track a person, right?

23 A. No. It pertains to a cell phone.

24 Q. It tracks a device?

25 A. That is correct.

ea2gcha4

Perry - cross

1 Q. And it doesn't identify the person on the phone or the
2 content of any communication in that, correct?

3 A. That's correct, yes.

4 Q. And it's not a GPS system. So it doesn't put you exactly
5 time and place in a real-time way that a GPS does?

6 A. That is correct, yes.

7 Q. And some of the locating -- you talked about the use of
8 cell site technology to do some locating of fugitives, right,
9 and you say that's been available since 2007?

10 A. It was actually before. I started utilizing it in 2007.
11 Yes.

12 Q. To your knowledge, was that used in this case at all?

13 A. I don't know. I don't have any information on how he was
14 located.

15 Q. Now, with respect to cell site as opposed to GPS, cell site
16 just tells you essentially the tower that the cell phone finds
17 to transmit a signal, correct?

18 A. It takes it one step further, sir. It will give you the
19 direction and the sector that was use.

20 Q. Right. The way you have it now in the call detail records,
21 you know which of the three panels essentially it found on the
22 tower?

23 A. Yes, sir, that's true.

24 Q. And so that will give you direction, right, but it won't
25 tell you -- but -- withdrawn.

ea2gcha4

Perry - cross

1 It could be anywhere within the range of that panel,
2 though, right?

3 A. Yes, it has to be within the coverage area, sir.

4 Q. And these tower ranges vary depending on where they are in
5 their proximity to other towers, right?

6 A. Yes, they do.

7 Q. So it depends on -- withdrawn.

8 Some of them are overlapping to a certain extent,
9 correct?

10 A. A majority of them are overlapping and that's, again, if
11 they're not overlapping, that's where you're going to drop your
12 calls.

13 Q. And in a densely populated area like New York, you have a
14 lot of overlap because you have a lot of cell towers?

15 A. That's fair, yes.

16 Q. And so a range that any particular tower or any
17 particular -- what shall we call them, panel, is that fine?

18 A. We refer to it as sector but panel, I think that's an
19 accurate statement, too.

20 Q. I'll use sector to keep it consistent. So for any
21 particular sector, the range can depend on a variety of things,
22 right?

23 A. Again, I stated a range will depend on topography,
24 geography and the adjacent towers.

25 Q. But also buildings?

ea2gcha4

Perry - cross

1 A. Yes.

2 Q. And topography, you mean essentially whether it's hilly or
3 not or whether there are any natural obstructions in the way,
4 right?

5 A. Yes, that is my definition of topography.

6 Q. And composition of buildings could also have an impact in
7 some way, glass versus brick or concrete?

8 A. Yes, it can.

9 Q. And radio frequencies have an element in there as well?

10 A. No, the cellular networks are defined to eliminate the
11 interference. The only interference occurs -- if they have
12 interference, cell networks are not going to work. They are
13 specifically set up to be a robust and durable system.

14 Q. Certainly the heights of buildings can matter, right?

15 A. Yes, it can.

16 Q. And weather can sometimes have an impact?

17 A. The only time weather is going to have an impact is if the
18 tower is struck by lightning and even then, the cell towers
19 have battery backup.

20 Q. And you got into it a little bit with Mr. Aravind, but it's
21 not necessarily the closest tower that the cell phone finds,
22 right?

23 A. I believe I stated generally it is, but here in New York
24 City, we do have those building composites made of concrete.
25 So what I've often seen here in New York is that it's most

ea2gcha4

Perry - cross

1 often the clearest line of sight, but we're talking blocks,
2 we're not talking miles here.

3 Q. Right. The line of sight can be very different in New York
4 where if you have a very tall building between you and the
5 closest tower or any building between you and the closest
6 tower, than perhaps the strongest signal -- withdrawn.

7 It's not about proximity. It's more about strong
8 signal, right? The cell phone will find the strongest signal?

9 A. Well, there are two different things I think we're talking
10 about here. We're talking about the cell phone communicating
11 with the tower but then you're talking about the design of the
12 network.

13 For example, the cell phone is going to seek out the
14 strongest, clearest signal. The design on the network is going
15 to be designed so they're not overshooting a bunch of towers to
16 cover an area miles away. So the height, there's also you get
17 to take down tilt. The way that -- the direction, like your
18 satellite dishes, you can kind of vector -- you can kind of
19 direct your signal.

20 Q. You can direct, like an antennae?

21 A. You can also tilt it down.

22 Q. Right.

23 A. Or up.

24 Q. Does water have an effect?

25 A. It does. If you'd like me to explain.

ea2gcha4

Perry - cross

1 Q. Sure.

2 A. One thing that we commonly see is, like, if you're driving
3 on the West Side Highway, most often your phone is going to be
4 using cell towers in New Jersey. Again, the reason for that is
5 clear, unobstructed line of sight from New Jersey towers across
6 the Hudson, which will cause a reflection to the signal into
7 the phone which is on the West Side Highway. That's a
8 very -- most commonly seen example.

9 Q. And even foliage can have an impact, right?

10 A. Height -- if you're in a canyon setting, yes, the foliage
11 can.

12 Q. Obviously, anything that's going on with a particular tower
13 at a particular time can have an impact such as maintenance or
14 repairs or anything like that, malfunctions, right?

15 A. Yeah, it definitely would, but the network -- there's some
16 high penalties for towers that go down. This is a
17 billion-dollar business. If a company allows a tower to stay
18 down for two hours, I believe there's some substantial fines
19 levied against the maintenance.

20 Q. You didn't check any of the records on that in terms of
21 what the status was at the time of this particular part that
22 you looked at?

23 A. I can tell you that the tower 61, tower 120, which were the
24 two towers in that area were working because the phone
25 communicated with it.

ea2gcha4

Perry - cross

1 Q. You don't know if it's working at every moment that we're
2 looking at these records, right?

3 A. I can only determine at the time it communicated --

4 Q. Right.

5 A. Yes, that is true, yes.

6 Q. And also is there another -- withdrawn.

7 Doesn't the number of calls -- and I'm going to use
8 the term that could have two meanings, but I want it relay the
9 number of calls I don't mean -- call volume, I don't mean loud
10 or soft, I mean call volume as in number of calls. So the
11 number of calls that a particular tower gets might result in
12 something getting directed to a different tower, right?

13 A. You're talking about the call capacity?

14 Q. Yes.

15 A. As the call capacity increases, there's -- each individual
16 tower will have carriers as the call capacity is, you know,
17 reached, it will then bump up to the next carrier.

18 Networks are designed to provide a maximum amount. In
19 cases such as the unfortunate Twin Towers attack, as well as
20 the Boston marathon bombing, you had a massive amount of users.
21 And what happened there is that you would get a busy tone or
22 you'd get that dead air.

23 In CDMA technology, there is a limited -- if you're on
24 the outskirts of the coverage area, there could be a
25 possibility that your phone would bounce to the next closest

ea2gcha4

Perry - cross

1 tower.

2 Q. You had a diagram with the vectors and -- but the coverage
3 area is not a perfect circle, it's more like a kidney bean, it
4 has a certain area of dissipation?

5 A. It often looks like an amoeba if you remember from science
6 class. It's not a clear-cut piece of pie.

7 Q. And the strength of the configuration sometimes depends on
8 how close to another tower because they don't necessarily all
9 want to interfere with each other at the same time, right?

10 A. That's exactly -- they want to provide an efficient network
11 so they're going to identify -- they're not going to waste
12 their signal when the area is already covered by a tower almost
13 like if you had a sprinkler system or I know we don't have much
14 grass in New York, but maybe like a baseball field. You're not
15 going to have the shortstop covering right field. So everybody
16 has their positions to maintain and responsibility, but yes,
17 the towers will cover certain areas.

18 Q. And basically, you can't say for any particular call why a
19 particular -- I'm sorry -- why a cell phone chose a particular
20 tower just based on this call detail records?

21 In other words, you know that it did, but you don't
22 know precisely why that one as opposed to a different one
23 within the same general area?

24 A. Again, I stated that I can't pinpoint the location of the
25 phone, but I could offer an opinion on why, as you look at the

ea2gcha4

Perry - cross

1 layout of the streets, you know, as far as, again, in positions
2 of clear line of sight, it would be -- you would have to be in
3 a position to see that tower. Of course, proximity to the
4 tower, if you're a block away, a lot of times that will remove
5 the -- you can still have the structures in between, especially
6 up here in the Bronx where you don't have to tall, multistorey
7 buildings.

8 Q. In terms of a particular call, you can't say why a cell
9 phone found that tower to be the strongest signal for a
10 particular call?

11 A. Other than saying it has to be within the vicinity of it,
12 yes.

13 Q. And you were asked sometime about phone -- about a device
14 traveling, you know, based on that. But isn't it true that
15 between 90 and 120, I'm sorry, 61 and 120, some of those calls
16 that go between, you know, from those two towers, that someone
17 can actually be in the same place for all of those calls and
18 yet one call or two calls in the middle could be 120 instead of
19 61?

20 A. Again, that's true, but majority of those calls occurred on
21 tower 61. You want to look at the consistency in the pattern,
22 the number. Where you can often make it a lot more clearer,
23 sir, is when you see that constantly bouncing between tower 61
24 then 120, then tower 61 then 120. There is a couple occasions
25 where it utilized sector 120 -- I'm sorry -- tower 120, but

ea2gcha4

Perry - cross

1 predominantly it's on tower 61.

2 Q. What I'm saying, it doesn't mean the phone was moving?

3 A. That's correct, it does not mean that; yes.

4 Q. Can we have the slide with the shaded area for a second,
5 please. The pages aren't numbered.

6 A. I think it's page seven.

7 Q. So, that box on the bottom, the yellow shaded area does not
8 reflect the actual coverage area but reflects the direction in
9 which the signal is transmitted, right?

10 A. Yes, sir.

11 Q. That's pretty -- but anyway, so what you are saying is that
12 yellow area is not the full coverage of that tower, right?

13 A. No, sir.

14 Q. That's a tiny -- not tiny, but that's a smaller area.
15 We're really talking about a larger area that tower covers?

16 A. Based on my experience of the network, we use a 70 percent
17 rule; that that signal would actually project out from that
18 tower 61 towards 120 70 percent of the distance. I believe
19 that distance between the two towers is I believe between .6
20 and .7 miles, so 70 percent of the distance between that.

21 Q. You're not saying it's those calls all -- that there's any
22 evidence that those calls all occurred within the shaded area,
23 right, I just want to make sure we have agreement on that.

24 A. Yes.

25 Q. And that we agree on that; that's not what you're saying.

ea2gcha4

Perry - cross

1 A. Yeah.

2 Q. And it could be anywhere in that coverage area, either in
3 the same place or moving to various places within the coverage
4 area?

5 A. Yes, that's correct.

6 Q. Now, I'm going to, if I may, your Honor, this is a printout
7 of 160B and I believe the government would agree with that,
8 right?

9 MR. ARAVIND: Yes.

10 MR. DRATEL: Let me give you 160B.

11 THE WITNESS: Yes.

12 Q. Which it's already in evidence.

13 A. Yes.

14 Q. That's what's on that disk. It's the printout of the call
15 detail records.

16 A. Yes, this looks accurate, sir.

17 Q. And it's the full printout as opposed to some of the
18 excerpts that we have seen so far today, right? And this
19 covers again a wider range of days, right?

20 A. I believe from March 6 through 2013 through April 18 or
21 April -- again, the records go through April 30th, but it looks
22 like the use of the phones kind of diminished.

23 Q. Just to go back on the texts, I think what you're saying is
24 that the texts don't reflect where they are because they all go
25 to a message center, right?

ea2gcha4

Perry - cross

1 A. They're routed, yes, to a different switch, yes.

2 Q. And you've looked through these records, right? If you
3 need to look through them -- a question is fine, but if you
4 know from your review of them, that's fine, but most of the
5 texts are for the Harrisburg location, right?

6 A. Yes. And that's actually -- I have a slide the most
7 commonly used tower that was in Harrisburg.

8 Q. And there was one also -- there's a text for Pittstown?

9 A. Pittston?

10 Q. Pittston?

11 A. Yes.

12 Q. Do you know why that would be different?

13 A. Again, I didn't focus on the Pittston area but that would
14 be a different switch or a different geographic area, group of
15 towers. I don't know where that is off the top of my head.

16 Q. If you look for March 6, 2013.

17 A. Okay. I'm with you.

18 Q. And there are towers -- we'll try to short circuit rather
19 than be too technical if that's okay with you and if the
20 government doesn't object, that's fine, which is, I'll just
21 talk about geographical areas rather than tower numbers, that
22 there are calls from this number, right, from the 6130 number
23 either incoming or outgoing -- I'm sorry -- outgoing, that are
24 transmitted through towers in one that says Wilmington, you see
25 March 6?

ea2gcha4

Perry - cross

1 A. If you can -- I do have that, yes, I have Wilmington.

2 Q. There's also Philadelphia, right?

3 A. Yes.

4 Q. And the Wilmington, do we know whether it's Delaware, North
5 Carolina?

6 A. The Wilmington switch in this particular case is in
7 Delaware.

8 Q. Then if you look to March 13, 2013.

9 A. Is there a particular time frame?

10 Q. If I could look over his -- 21:13, military time, okay?

11 A. Yes.

12 Q. You see a couple for Plymouth Meeting?

13 A. Yes, I do.

14 Q. Do you know where that is?

15 A. You know, I can't remember. I believe it is in the
16 northeast, though.

17 Q. Not the Bronx, right?

18 A. No, not a switch -- I want to say it's in either
19 Pennsylvania or near the Philadelphia area.

20 Q. Would it be along that corridor somewhere where you mapped
21 out all of the --

22 A. That's a great point, yes, it would be. That would have
23 had -- those are all of the --

24 Q. Right, that's the limits of what this phone transmitted to,
25 right?

ea2gcha4

Perry - cross

1 A. Yes.

2 Q. It would be somewhere along that corridor?

3 And March 16, I'll try to give you a time, 13:18, it's
4 the top of page 16.

5 A. Okay. I'm there.

6 Q. So you see Philadelphia, right?

7 A. Yes, I do.

8 Q. And then a little bit lower, Maple Shade?

9 A. Yes, I do.

10 Q. Okay. And then back to West Nyack, which is essentially
11 the Bronx we're talking about?

12 A. Yes.

13 Q. Because it's the same Bronx towers, cell towers, that we're
14 talking about, right?

15 A. Yes, West Nyack, yes.

16 Q. And so that indicates that the device is moving just like
17 the March 13 and just like March 6 really; it indicates the
18 device is moving in corridors in the northeast between
19 somewhere between Philadelphia and New York or Plymouth Meeting
20 New York and/or Maple Shade and New York, right?

21 A. Definitely because of the great distance between these,
22 yes.

23 Q. And so -- and then March 16, by the way, if you look in the
24 evening, that would be the 23:24 and then on the 17th, that's
25 also tower 61, right?

ea2gcha4

Perry - cross

1 A. Yes, and that's on the 16th, yes.

2 Q. Now, if you go to the 18th of March 2013, starting at 18:53
3 which is 6:53 p.m., right?

4 A. Yes, sir.

5 Q. And then you have Jersey City?

6 A. Yes.

7 Q. You have a little further down you have Wayne and there is
8 a Wayne, New Jersey, right?

9 A. Yes.

10 Q. And then Plymouth Meeting again, right?

11 A. Yes. That's what we have; yes.

12 Q. Let's go to March 21, 2013. Start at 22:04 which is 10:04
13 p.m., right, you see that one? I'm sorry. That's on the
14 evening of the 20th?

15 A. 2-0, the 20th?

16 Q. 2-0, right.

17 A. Okay.

18 Q. The last one on the 20th, 22:04, the time.

19 A. I'm sorry.

20 Q. It's Wilmington?

21 A. Right, I see that, yes.

22 Q. And then a couple -- then you have Philadelphia, right?

23 A. Yes.

24 Q. And then back to the Bronx?

25 A. Yes. You got the Yonkers and then into the West Nyack

ea2gcha4

Perry - cross

1 switch.

2 Q. March 23, 2013, if you look at 9:16 a.m., right, there are
3 a bunch of calls transmitted off of towers in Branchburg?

4 A. Yes.

5 Q. And then Plymouth Meeting again, right?

6 A. Yes, sir.

7 Q. Then Wayne again, then Jersey City?

8 A. On the 23rd?

9 Q. Yes.

10 A. Yes.

11 Q. And then back to the Bronx?

12 A. Yes.

13 Q. And during these days for all these calls, you have no idea
14 who is using this phone, correct?

15 A. No, I don't.

16 Q. You don't know if it's shared, right?

17 A. No, I don't.

18 Q. You don't know if it's borrowed, right?

19 A. No, I don't.

20 Q. You don't know if it's borrowed or shared for a week,
21 right?

22 A. I don't know.

23 Q. For a day, for a month, right, you don't know any of that?

24 A. Correct.

25 Q. Let's go to March 26, this is the one on your slide, right?

ea2gcha4

Perry - cross

1 A. Starting at the --

2 Q. At 6:48 p.m., right?

3 A. 6:20.

4 Q. 6:20. And then it goes to Jersey City, Wayne, Branchburg,
5 Plymouth Meeting, right?

6 A. Yes.

7 Q. And that's the one from your slide?

8 A. Yes, it is.

9 Q. Now, March 27, the phone's back in the Bronx, right?

10 A. Yes, it is.

11 Q. March 28, still in the Bronx, right?

12 A. Yes, it's still using this --

13 Q. March 29, still in the Bronx, right?

14 A. Yes, sir.

15 Q. March 31, Plymouth Meeting again?

16 A. March 31.

17 Q. Yes.

18 A. No, I believe that it looks like it just arrived there at
19 10:48 p.m.

20 Q. Then April first back in the Bronx?

21 A. Yes.

22 Q. April 3 back in Plymouth Meeting?

23 A. Yes.

24 Q. Branchburg, right?

25 A. Branchburg.

ea2gcha4

Perry - cross

1 Q. April 3, right?

2 A. Yes.

3 Q. And then back in the Bronx later on that day?

4 A. Yes.

5 Q. Just one more, April 8 -- withdrawn.

6 Basically what this shows, the device is moving back
7 and forth and back and forth that whole period, right, in the
8 northeast corridor?

9 A. For several -- for those days we spoke of.

10 Q. So not just the one day of your slide, correct?

11 A. No, just the one day of the -- the one day of the slide,
12 yeah. There's other days besides that.

13 Q. That was the only day you were asked to prepare a slide
14 for?

15 A. Yes.

16 Q. Not for any of these other days where the same corridor is
17 traveled by this device over and over again, right?

18 A. Correct.

19 MR. DRATEL: Just one second, your Honor.

20 Q. Thank you, Special Agent Perry. Nothing further.

21 THE WITNESS: Thank you, counsel. Redirect
22 examination?

23 REDIRECT EXAMINATION

24 BY MR. ARAVIND:

25 Q. Special Agent perry, using defense exhibit -- the printout

Ea2gcha4

Perry - redirect

1 that you have in front of you, after March 26, 2013, when is
2 the next time the phone returns to the New York area?

3 THE COURT: The phone returns to where?

4 MR. ARAVIND: The New York area.

5 A. The first call was actually on March 27, 2013 at 7:42 a.m.

6 Q. And then when is the last call according to these records
7 in front of you that's from the New York area or the call where
8 the phone is placed in the New York area?

9 A. The last call?

10 Q. Yes, in this chart that you have.

11 A. It's going to take me a while to find that.

12 Q. You can start from the back, and go back.

13 A. I found -- this could would have occurred on April 4th of
14 2013 at 2:00 a.m.

15 Q. What's the last entry you have on this chart?

16 A. The last row was actually April 30 of 2013.

17 Q. Do you see any records from April 4 to April 30th
18 referencing a cell tower in New York?

19 A. I do not.

20 MR. ARAVIND: Nothing further.

21 MR. DRATEL: No recross.

22 THE COURT: You may be excused.

23 THE WITNESS: Thank you, your Honor.

24 (Witness excused)

25 THE COURT: Would now be a good time for me to read

Ea2gcha4

Perry - redirect

1 the stipulation.

2 MR. ARAVIND: Yes.

3 THE COURT: Ladies and gentlemen, I have another
4 stipulation to read between the parties. I will omit the first
5 paragraph which basically says the parties agree with each
6 other and here is the stipulation:

7 Members of the United States Attorney's Office were
8 not aware that an internet photograph of Antione Chambers was
9 shown by Detective Deloren to Demi Torres until on or about
10 January 24, 2014 when Demi Torres told members of the United
11 States Attorney's Office. And it's signed by counsel for the
12 party. It will be marked as a government exhibit.

13 Do we know the next in the series of numbers for
14 stipulations?

15 MR. ARAVIND: 2007.

16 THE COURT: 2007. And I will admit it, and we can
17 replace the handwritten one.

18 Mr. Street, may I give it to you.

19 Anything else?

20 (Government's Exhibit 2007 received in evidence)

21 MR. ARAVIND: Apart from the photograph of the duct
22 tape that we asked -- we talked about at the side bar, we can
23 publish it or formally admit Government Exhibit 300-A.

24 MR. DRATEL: No objection.

25 THE COURT: It's admitted. What's the exhibit number?

Ea2gcha4

Perry - redirect

1 (Government's Exhibit 300-A received in evidence)

2 MR. ARAVIND: May I publish it.

3 THE COURT: Yes.

4 MR. ARAVIND: Thank you. The government rests, your
5 Honor.

6 THE COURT: Thank you.

7 Defense counsel, are there any motions?

8 MR. DRATEL: Yes.

9 THE COURT: I will reserve.

10 Do you have any witnesses?

11 MR. DRATEL: Yes. We call Detective Ellis Deloren,
12 your Honor.

13 MR. ARAVIND: May we have a moment to confer with
14 defense counsel.

15 May we have a side bar.

16 THE COURT: Yes.

17 (Continued on next page)

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Ea2gcha4

Perry - redirect

1 (At the side bar)

2 THE COURT: Could I say something first. I have not
3 yet ruled on the expert and on the motion to strike. And I am
4 not going to do that right here at our side bar, but I want to
5 make sure the ruling doesn't affect what you want to ask
6 Detective Deloren.

7 What I want to tell you is that right now my
8 inclination is to give you a choice: Either I will strike the
9 testimony but there will be no expert or I will not strike the
10 testimony and you may call your expert. This is not a ruling.
11 I'm just telling you what I'm thinking.

12 MR. DRATEL: It would affect my --

13 THE COURT: It would affect cross.

14 MR. DRATEL: I probably wouldn't call him at all if I
15 didn't have to. If Ms. Torres testimony was stricken, I
16 wouldn't have called --

17 MR. ARAVIND: I think we would like to be heard on the
18 motion to strike and, if possible, submit some briefing to your
19 Honor this evening. Obviously, I don't know whether the Court
20 intends to strike her entire testimony.

21 THE COURT: I would just strike the portion of it,
22 basically the identification testimony is what I'm thinking at
23 the moment.

24 MR. ARAVIND: I think we would very much appreciate an
25 opportunity to make an application your Honor with regard to

Ea2gcha4

Perry - redirect

1 that in writing.

2 THE COURT: I guess my hesitation is, this is the
3 fourth time now that we're revisiting the issue, and I have
4 lots of briefing from everybody on the issue. And the one
5 thing that is different seems to me are the facts as I
6 understand them. And so I'm not sure what it is you would tell
7 me.

8 Do you have a sense of what you would tell me.

9 MR. ARAVIND: Yes, your Honor.

10 THE COURT: That would be helpful.

11 MR. ARAVIND: We just handed Mr. Dratel a copy of her
12 3500 material. What we believe that contains is Detective
13 Deloren's belief as to the sequence and the number of
14 identifications, the number of photographs that he showed to
15 Ms. Torres. And I think that there's certainly grounds for
16 Mr. Dratel to recall this witness and recall him given that
17 testimony, but I think what will end up happening is there are
18 different recollections.

19 We believe this is an issue that should be resolved
20 through cross-examination and the jury -- it should be resolved
21 by the jury during cross-examination. I think Mr. Dratel can
22 make his arguments during cross-examination, but I think to
23 strike Ms. Torres' in-court identification and her discussion
24 of the identification procedures during her direct testimony is
25 extremely beyond the pale at this point, your Honor. And I

Ea2gcha4

Perry - redirect

1 think I don't think there's authority to do that. I think we
2 would have to, again, submit paperwork to your Honor and be
3 able to brief the issue.

4 MS. TEKEEI: If I may also add to what Mr. Aravind
5 said, to the extent the concern or any questions might be about
6 the way the second photo array was created, we spoke with
7 Detective Deloren as is reflected in our notes about the method
8 he used to create that. And I think he could explain on
9 Mr. Dratel's direct examination how that happened, where he got
10 the photo, how the array was created by the photo unit with his
11 assistance, all of which is reflected in the 3500 material step
12 by step and documented by the photo unit.

13 So to the extent your Honor is concerned about the way
14 that that particular second array was created, he could explain
15 those procedures.

16 THE COURT: Just so you understand my thinking, it's
17 not at all, and what I find beyond the pale are all the
18 procedures that led up to the final so-called positive
19 identification by the witness, and I think that rises to the
20 level, not ruling, just telling you my thinking at the moment,
21 but it seems to me at the moment that it rises to the level of
22 a deprivation of Constitutional rights.

23 I heard both witnesses. I heard the cross of both
24 witnesses and that's where my thinking is. So I know it is a
25 significant act to take, and I don't want to do it without

Ea2gcha4

Perry - redirect

1 giving you a chance to put something in writing, but I find it
2 unlikely that I would come out another way, but I have not
3 ruled. I will keep an open mind until I see what you have to
4 say.

5 MR. DRATEL: I would like to defer putting him on
6 then.

7 THE COURT: Absolutely. I understand.

8 MR. DRATEL: I guess we'll wait to see what the
9 government says. My only response is, they resisted hearing I
10 don't know how many times. They -- well, never mind.

11 THE COURT: Okay. So I guess there's nothing left to
12 do but to excuse the jury, I suppose.

13 MR. DRATEL: The reason I actually wanted a side bar
14 was that I had asked the government for a 615 embargo with
15 respect to Detective Deloren. I would like to amend that in
16 one respect. If he is called that he not say that it was from
17 the U.S. Probation Department that he got the photograph. Just
18 say, you know, that he received a photo outside of the database
19 and that would be sufficient. I would try to lead him so that
20 he wouldn't, but you never know what people are going to do.

21 THE COURT: Is that agreeable? I assume you could
22 prep him so he would say that.

23 MR. ARAVIND: We can definitely do that.

24 THE COURT: I will excuse the jury and I'll ask them
25 to be back here at the usual time. I'll come on the bench and

Ea2gcha4

Perry - redirect

1 make a ruling at 9:30. We'll start at 9:45 and I will read and
2 consider whatever you get me tonight.

3 MR. DRATEL: We can be summing up. You charge first
4 and then we can be summing up tomorrow morning.

5 THE COURT: That could happen.

6 MR. DRATEL: All right. Thank you.

7 (Continued on next page)

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Ea2gcha4

Perry - redirect

1 (In open court; jury present)

2 THE COURT: I apologize for the side bars. I don't
3 like to have them, but the good thing is we're going to end
4 today. We will start again tomorrow at our usual time. Be
5 here at 9:30. We'll resume again at 9:45. As you know, the
6 government has rested, so it's the turn of the defense if they
7 wish to put on a case.

8 And it is very likely that we will end the evidence
9 tomorrow and that you will be given your final charge of the
10 law and if there is time, you may even hear closing statements
11 tomorrow.

12 My guess is that you probably won't have time to
13 deliberate tomorrow, but it's possible, but the case will be
14 yours after the closing statements and some final instructions.
15 So we're getting very close to the end of trial.

16 Thank you for your attention and I'm sorry for a short
17 day today. We'll see you again tomorrow. I plan to sit a full
18 day tomorrow, so we'll sit until 4:30. Thank you.

19 Please leave your notebooks and don't talk about the
20 case.

21 (Jury excused)

22 (Continued on next page)

Ea2gcha4

Perry - redirect

(In open court; jury not present)

THE COURT: As long as we have a little bit of time, I want to do two things. First, I'm going to rule on the defense motion. And I will deny the motion for a judgment of acquittal. Do you want to make any argument, Mr. Dratel?

MR. DRATEL: It may be more, so not to spend time on it when it's not in the right context, but it may depend on the Court's ultimate ruling.

THE COURT: Okay. So I'll just give a brief explanation of my ruling denying your motion and that is, I don't credit the identifications that I heard. I don't credit the car description. And I don't credit the evidence of flight of consciousness of guilt.

MR. ARAVIND: Can we just close the door.

THE COURT: In terms of consciousness of guilt, I am mindful that flight and false identification can be powerful evidence of consciousness of guilt, but the connection I don't see in this case is a connection to consciousness of guilt about this particular crime. There may be other things or other reasons that prompted the defendant to want to hide his identity and/or flee.

I do credit the cell site information. I do credit the evidence about the hammer in the car and Mr. Chambers' statement about the hammer in the car. I also credit the testimony about the license plate number and the fact that it

Ea2gcha4

Perry - redirect

1 matches. And I believe that that evidence is sufficient that a
2 reasonable jury could convict. So that is the basis for my
3 denial of the motion.

4 What I'd like to do, I think, is take -- I don't know.
5 Have you had a chance to look at the charge that I sent around.
6 It's very similar to what you sent me, only a little shorter
7 and a little more informal.

8 MR. ARAVIND: We have not, from the government's
9 perspective.

10 THE COURT: When do you all want to have this charging
11 conference? You can look at it now. I think I sent you a
12 blackline. I don't think it's very controversial and maybe the
13 best thing to do is -- any suggestions? I can't stay beyond
14 6:30 tonight. I know you all have work to do tonight.

15 MR. ARAVIND: We would propose first thing in the
16 morning, your Honor.

17 THE COURT: Our jury is showing up at 9:30. I guess
18 we should have our conference at 9:00. Is that good?

19 MR. DRATEL: Yes.

20 MR. ARAVIND: Yes.

21 THE COURT: We'll have our charging conference at 9:00
22 and I don't think there are any other loose ends hanging.

23 Anything else we have to deal with now?

24 MR. DRATEL: No.

25 MR. ARAVIND: Nothing.

Ea2gcha4

Perry - redirect

1 THE COURT: Thank you very much.

2 MR. ARAVIND: Side bar.

3 (Continued on next page)

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Ea2gcha4

Perry - redirect

1 (At the side bar)

2 MR. DRATEL: My office was able to contact the
3 counsel's office at MCC. I authorized them to remove from
4 Mr. Chambers' cell two CDs and they have done so. And then the
5 office of the, I think an assistant to the counsel -- and I
6 don't know if the government sent someone, but they said they
7 would be locked in the office if no one could get there by
8 4:00 p.m., so they're safe and secure.

9 THE COURT: Thank you very much.

10 (Continued on next page)

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Ea2gcha4

Perry - redirect

1 (In open court)

2 THE COURT: As a matter of housekeeping, we need to be
3 sure that all the jurors' binders are complete. We need to
4 make sure that everything that belongs in them is in them and
5 anything that doesn't belong is not in them. In addition, I
6 don't have copies of the defense exhibits and I have never seen
7 some of them.

8 MR. DRATEL: I'll give you a copy right now.

9 THE COURT: You can do what?

10 MR. DRATEL: I think we can give you copies right now.

11 THE COURT: Copies right now of all three, it's three,
12 right?

13 MR. DRATEL: Three.

14 THE COURT: If I could get copies, that would be
15 great.

16 Thank you.

17 (Adjourned to October 3, 2014 at 9:00 a.m.)

18 * * *

INDEX OF EXAMINATION

| Examination of: | Page |
|-----------------|------|
|-----------------|------|

| | |
|---------------|--|
| JOHN REYNOLDS | |
|---------------|--|

| | |
|---------------------------------|-----|
| Direct By Mr. Aravind | 562 |
|---------------------------------|-----|

| | |
|-------------------------------|-----|
| Cross By Mr. Dratel | 613 |
|-------------------------------|-----|

| | |
|------------|--|
| ERIC PERRY | |
|------------|--|

| | |
|---------------------------------|-----|
| Direct By Mr. Aravind | 621 |
|---------------------------------|-----|

| | |
|-------------------------------|-----|
| Cross By Mr. Dratel | 650 |
|-------------------------------|-----|

| | |
|-----------------------------------|-----|
| Redirect By Mr. Aravind | 667 |
|-----------------------------------|-----|

GOVERNMENT EXHIBITS

| Exhibit No. | Received |
|-------------|----------|
|-------------|----------|

| | |
|----------------|-----|
| 5002 | 563 |
|----------------|-----|

| | |
|----------------------------------|-----|
| 160A, B, C, D, F and G | 573 |
|----------------------------------|-----|

| | |
|----------------|-----|
| 2005 | 581 |
|----------------|-----|

| | |
|----------------|-----|
| 1903 | 583 |
|----------------|-----|

| | |
|--------------|-----|
| 61 | 584 |
|--------------|-----|

| | |
|---------------------|-----|
| 902, 2003 | 589 |
|---------------------|-----|

| | |
|--------------------------------------|-----|
| 400-A, 400-B, 400-C, 400-D | 591 |
|--------------------------------------|-----|

| | |
|---------------|-----|
| 901 | 595 |
|---------------|-----|

| | |
|---------------------|-----|
| 125, 2004 | 597 |
|---------------------|-----|

| | |
|-----------------|-----|
| 125-T | 599 |
|-----------------|-----|

| | |
|--------------|-----|
| 4C | 601 |
|--------------|-----|

| | |
|--------------|-----|
| 4D | 601 |
|--------------|-----|

| | |
|----------------|-----|
| 5003 | 605 |
|----------------|-----|

| | |
|---------------|-----|
| 700 | 608 |
|---------------|-----|

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